Volume XL] *March, 1925* [*Number 1*

POLITICAL SCIENCE QUARTERLY

THE CONSTITUTIONAL CLAIMS OF THE BRITISH WEST INDIES

THE CONTROVERSY OVER THE SLAVE REGISTRY BILL OF 1815

I

AS a proposition of law it is no longer questioned that the authority of the British Parliament is unlimited throughout the British Empire. Its claim of "absolute sovereignty", Professor Dicey tells us, "would be admitted as sound legal doctrine by any court throughout the Empire which purported to act under the authority of the King",[1] and such a statement is not challenged by even the most stalwart champion of Dominion autonomy.[2] Practically speaking, the power of Parliament to legislate for the Dominions has gone to join what Maitland called "the ghostly company of legal fictions", and today an act of Parliament interfering in the internal affairs of a Dominion would be called unconstitutional and probably could not be enforced, but the word "unconstitutional" would be used with a meaning different from that which it conveys to an American. By it would be meant that the act in question was contrary to established usage and conven-

[1] *Introduction to the Study of the Law of the Constitution*, 8th ed., pp. xxv–xxvi. "The legislative supremacy of Parliament", says Sir Henry Jenkyns in his *British Rule and Jurisdiction beyond the Seas*, p. 10, "over the whole of the British dominions is complete and undoubted in law, though for constitutional or practical reasons, Parliament abstains from exercising that supreme legislative power." However extensive the authority of a colonial legislature may be, its enactments may legally be overridden by an act of Parliament; this was expressly declared in the Colonial Laws Validity Act of 1865 (28 & 29 Vict. c. 63).

[2] See e. g. Sir Robert Borden, *Canadian Constitutional Studies*, pp. 71–72.

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tion, but not that it was illegal or void.[1] Yet it is well known that the doctrine that Parliament is sovereign, even within the realm, is one of no high antiquity; and Parliament's claim to unlimited legislative authority over the American colonies was countered by the contention of colonial radicals that the colonies, though subject to the British King, were of right totally exempt from parliamentary authority.[2] When *they* asserted that it was unconstitutional for Parliament to legislate for the colonies, they were using the word in the sense rather of illegal than of merely unusual or unwarranted by custom, for to them the "English Constitution", however indefinite their conception of it may have been, was fundamental law, not alterable by Parliament, and some of them, at least, seem to have believed that the courts had the right to adjudge "unconstitutional" acts of Parliament void.[3] While very few Englishmen of the

[1] The distinction between the Canadian and American meaning of "unconstitutional" is thus expressed by Mr. Justice W. R. Riddell (*The Canadian Constitution in Form and in Fact*, pp. 1–2): "In Canada anything unconstitutional is wrong, however legal it may be; in the United States anything unconstitutional is illegal, however right and even advisable it may be; in the United States anything unconstitutional is illegal, in Canada to say that a measure is unconstitutional rather suggests that it is legal but inadvisable."

[2] For this phase of American colonial opinion see Adams, R. G., *Political Ideas of the American Revolution*, ch. iii, v, vii, and McIlwain, C. H., *The American Revolution*. Professor McIlwain reaches the conclusion that the precedents on the whole sustain the American rather than the British theory of the scope of Parliament's legal authority.

[3] Adams, R. G., *op. cit.*, pp. 118–121. See *The Works of John Adams* (Boston, 1850) vol. II, pp. 155, 157. James Otis, though he cannot properly be classed with the radicals, seems also to have held the same view; see *The Rights of the British Colonies Asserted and Proved* (Boston, 1764), p. 41. It is worthy of note that the word "unconstitutional" is used in various senses to-day, as is clearly stated by Professor Dicey, *op. cit.*, p. 516: "(i) The expression, as applied to an English Act of Parliament, means simply that the Act in question . . . is, in the opinion of the speaker, opposed to the spirit of the English constitution; it cannot mean that the Act is either a breach of law, or is void. (ii) The expression, as applied to a law passed by the French Parliament, means that the law . . . is opposed to the articles of the Constitution. The expression does not necessarily mean that the law in question is void, for it is by no means certain that any French Court will refuse to enforce a law because it is unconstitutional. The word would probably, though not of necessity, be, when employed by a Frenchman, a term of censure. (iii) The expression, as applied to an Act of Congress, means simply that the Act is one beyond the power of Congress, and is therefore void. The word does not in

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time shared the radical American view that Parliament had *no* lawful authority over the colonies,[1] many of them held that there was an "English Constitution" which set limits to that authority, notably in the matter of taxation.[2]

The purpose of this paper is to point out that the idea cherished by the American Revolutionists, namely, that Parliament was not a sovereign legislature for the British Empire, but on the contrary was bound by fundamental law, was held in other colonies than those that revolted, and that it lived on in the Empire for years after the American Revolution. I shall not attempt to pass judgment upon the colonial claims, but rather to present the constitutional aspect of a not well known episode in the history of the Empire, in which they became a subject of lively controversy. The question of their constitutional validity is, of course, independent of the ethical merits of the particular cause in support of which they were invoked.

II

In 1807, in consequence of an organized agitation of twenty years' duration, Parliament abolished the slave trade.[3] From the outset it had been the hope of the abolitionists that the termination of the trade would lead to better treatment of the slaves in the British colonies and eventually to the extinction of slavery, but their professed object was abolition, not emancipation.[4] Constitutional considerations were taken into account in deciding not to work for immediate emancipation, for it was felt that while Parliament had an undoubted right to regulate the commerce of the Empire, it was doubtful if it had the right

this case necessarily import any censure whatever. An American might, without any inconsistency, say that an Act of Congress was a good law, that is, a law calculated in his opinion to benefit the country, but that unfortunately it was 'unconstitutional', that is to say, *ultra vires* and void.'

[1] POLITICAL SCIENCE QUARTERLY, vol. XXXVIII, pp. 112–113.

[2] McIlwain, *op. cit.*, pp. 150, 156; Adams, R. G., *op. cit.*, ch. vi.

[3] 47 Geo. III, sess. 1, c. 36.

[4] Clarkson, Thomas, *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade by the British Parliament* (London, 1808), vol. I, p. 282 *et seq.* In this paper the word abolition will be used, as it was used in England at this time, to signify abolition of the slave trade, not of slavery itself.

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to interfere in the internal affairs of the colonies.[1] In spite of the penalties of forfeiture for which the Abolition Act provided, contraband trade in slaves continued to be carried on to some extent by British subjects, and in 1811 Parliament made participation in the trade a felony punishable by transportation or confinement at hard labor.[2]

In 1791 an association of English abolitionists and merchants was incorporated by act of Parliament under the name of the Sierra Leone Company for the purpose of carrying on trade between Great Britain and Africa.[3] Its objects, as stated in one of its early reports, were "to encourage trade with the west coast of Africa; to promote cultivation, advance civilization, diffuse morality, and induce some attention to a pure system of religion in Africa"; and also "not to suffer their servants to have the slightest connexion with the slave trade . . . and to repress the traffic as far as their influence would extend".[4] The crown had already acquired a tract of land on the coast of Sierra Leone, where a settlement had been made, consisting mainly of destitute free negroes from England, and in 1800 this was granted to the company, with authority to govern the colony. But neither company nor colony prospered, and in 1807 the former was dissolved, and the latter passed under the immediate authority of the crown.[5]

In the same year a society was organized in London known as the African Institution. A royal prince, the Duke of Gloucester, was its patron and president,[6] and among its members were several of the directors and other members of the Sierra Leone Company, as well as a number of peers, members of the House of Commons and other persons of prominence in public

[1] Clarkson, *op. cit.*, vol. I, pp. 286–287.

[2] 51 Geo. III, c. 23.

[3] 31 Geo. III, c. 55.

[4] Thorpe, Robert, *A Letter to William Wilberforce, Esq., M. P.* (London, 1815), p. 2.

[5] Lucas, C. P., *A Historical Geography of the British Colonies*, 2nd ed., vol. III (Oxford, 1900), p. 184 *et seq.*

[6] He was the only member of the royal family who had opposed the slave trade. *Edinburgh Review*, vol. XXI, pp. 470-471.

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life. In the list of the original directors of the new society are the names of the leading abolitionists—Wilberforce, Clarkson, Granville Sharp, Brougham, James Stephen and Zachary Macaulay, to mention only a few of them. The African Institution, unlike the Sierra Leone Company, was not organized to promote commerce or colonization, though one of its directors, Zachary Macaulay, carried on an extensive trade with Sierra Leone.[1] Among its professed objects were: to promote the civilization and happiness of the natives of Africa; to cultivate friendly relations with them; to enlighten them with respect to their true interests and the means whereby they might substitute a beneficial commerce for the slave trade; to introduce among them the useful arts of Europe; to acquire a knowledge of the principal languages of Africa and reduce them to writing; and to encourage and reward individual enterprise in promoting any of the purposes of the Institution.[2] From the outset the African Institution proposed to act as self-appointed adviser of the Government in matters relating to Africa and slavery. It regarded it as its business to endeavor to prevent the infraction of the Abolition Laws, to suggest means by which they might be made more effective, and to promote the abolition of the slave trade by foreign nations.[3] It was in close contact with Parliament and the Government, and its recommendations carried great weight.[4] Brougham's connection with

[1] Thorpe, *op. cit.*, pp. 29–30. It was later both asserted and denied that the African Institution was virtually a continuation of the Sierra Leone Company; Thorpe, *op. cit.*, pp. 6–8; Mathison, Gilbert, *A Short Review of the Reports of the African Institution . . .* (London, 1816), pp. 14–16; *Special Report of the Directors of the African Institution . . . respecting the Allegations contained in a Pamphlet entitled "A Letter to William Wilberforce . . . by R. Thorpe, Esq. . . .* " (London, 1815).

[2] *Report of the Committee of the African Institution read to the General Meeting on the 15th July, 1807, together with the Rules and Regulations which were then adopted for the government of the Society* (London, 1807), pp. 68–71.

[3] *Report of the Committee of the African Institution* (London, 1807), pp. 68–69.

[4] This is evident from the annual reports of the directors, e. g., *Eighth Report* (1814), p. 10. James Stephen, M. P., an ardent abolitionist and a brother-in-law of Wilberforce, was a director of the Institution, as was his son, James Stephen, Jr. (afterwards Sir James Stephen of Colonial Office fame). The latter was a member of a committee appointed by the African Institution to procure information from

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the *Edinburgh Review* insured for the annual reports of the directors wide publicity through laudatory articles in that journal.[1]

The idea of requiring a registration of slaves in the colonies as a means of preventing illicit importation appears to have been originally proposed by James Stephen.[2] In the "Diary of his Parliamentary Life" Sir Samuel Romilly recorded that on January 6, 1812, he met at the home of Stephen with Wilberforce, Brougham and Babington, to consider what measures ought to be taken to render abolition effectual, and that the best means seemed to all of them to be "the establishing a registry for slaves in all the islands, and a law that every negro not registered should be free". It was decided that an attempt ought to be made to secure an act of Parliament for this purpose.[3] The Prime Minister, Spencer Perceval, was persuaded to establish at once a registry of slaves in Trinidad, a colony which possessed no representative legislature of its own and was subject to the legislative authority of the crown; and an order-in-council providing for registration of the slaves in that island was presently issued.[4] The abolitionists continued

the Colonial Office regarding the slave laws of the colonies, and in this way he became acquainted with the Colonial Secretary, Lord Bathurst, who appointed him counsel to the Colonial Office in 1813. Spokesmen for the West India interests objected to this appointment on the ground that it gave the abolitionists access to Colonial Office papers. *The Speech of James Stephen, Esq. at the Annual Meeting of the African Institution . . . on the 26th March, 1817* (London, 1817), p. 34 *et seq.*; Stephen, Caroline Emelia, *The Right Honourable Sir James Stephen* (printed for private circulation, 1906), p. 3.

[1] *Edinburgh Review*, vols. XV, p. 485 *et seq.*; XVI, p. 430 *et seq.*; XVIII, p. 305 *et seq.*; XX, p. 58 *et seq.*; XXI, p. 462 *et seq.*

[2] *The Life and Times of Henry Lord Brougham*, written by himself (New York, 1871), vol. II, p. 222; *Edinburgh Review*, vol. XXV, p. 316.

[3] *Memoirs of the Life of Sir Samuel Romilly*, written by himself, ed. by his sons (2d. ed., London, 1840), vol. III, p. 1; also *The Life of William Wilberforce*, by his sons (London, 1838), vol. IV, p. 3.

[4] Dated March 26, 1812, and proclaimed in the colony in the following August; Trinidad, Minutes of Council, Aug. 31, 1812, Public Record Office, Colonial Office Records, 298: 5. Hereinafter the abbreviation C. O. will be used in referring to the Colonial Office Records. The Trinidad order is printed in *Seventh Report of the Directors of the African Institution* (London, 1813), p. 45 *et seq.* A similar order-in-council in 1814 established a slave registry in St. Lucia—*Parliamentary Papers*,

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to discuss the question of a general registration of slaves throughout the British West Indies by act of Parliament, but Perceval favored delay in order to see how the experiment worked in Trinidad.[1] At first the new law, which provided, among other things, that the absence of a name from the register should be taken as conclusive evidence of the person's right to freedom, aroused the planters of Trinidad to a storm of protest, and many of them pledged themselves not to make the required returns of their slaves; but eventually all seem to have complied with the terms of the law.[2]

In their annual report of 1813, the directors of the African Institution strongly recommended the passing of an act of Parliament extending the provisions of the Trinidad registry to all the other British colonies in the West Indies as the most efficacious means of preventing future illegal importation of slaves; [3] and early in 1815 it was agreed at a special meeting of the Institution that a registry bill ought to be brought into Parliament during the session of that year.[4] The Government, however, made it clear that they would not support such a measure, since no proof of the illegal importation of slaves into the colonies had been adduced, and slave registration, moreover, seemed to them to fall within the sphere of colonial rather than of imperial legislation.[5] In a letter to the Prime Minister, Lord Liverpool, Wilberforce deplored the Government's attitude, regarding it as indicative of their unwillingness to support any

sess. 1814–1815, H. C. 458, pp. 34–35. The crown had the right to legislate for colonies acquired by conquest or cession and to which representative assemblies had not been granted, like Trinidad and St. Lucia, but not for colonies acquired by settlement or by conquest or cession, after such assemblies had been granted. Keith, A. B., *Responsible Government in the Dominions*, vol. I, pp. 1–3; Wrong, Hume, *Government of the West Indies*, pp. 136–139.

[1] *The Life of William Wilberforce*, vol. IV, p. 20.

[2] *Reasons for establishing a Registry of Slaves in the British Colonies* (London, 1815), pp. 80–91.

[3] *Edinburgh Review*, vol. XXI, p. 474.

[4] *The Speech of James Stephen*, referred to above, pp. 24–25; *The Life of William Wilberforce*, vol. IV, pp. 243, 260.

[5] *The Life of William Wilberforce*, vol. IV, pp. 244, 249, 251.

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measure for ameliorating the condition of the slaves in the West Indies.[1]

The attention of Parliament and of the public was called to the question of slave registration by an elaborate report on the subject put forth by a committee of the African Institution and published early in 1815.[2] The document, which was written by Stephen, was the subject of a long and extremely sympathetic article by Brougham, which appeared in the *Edinburgh Review* of October, 1815,[3] and was distributed to members of Parliament.[4] According to this report, there was abundant reason for believing that slaves had been imported into some, if not all, of the British West Indies since the abolition of the slave trade. It was probable that in most of the islands the numbers of slaves illegally imported were small in comparison with the total numbers in those islands, but it was the possibility of replenishing the supply by fresh importations that constituted the mischief. "It is not the prohibition of the slave trade by law, but the consequent inability to supply hereafter any deficiency in the requisite number of slaves by any other means than native succession and increase, that is to operate in the mind of the master. He is expected to change his system [i. e., to improve the condition of his slaves] not because the importation of African slaves is illegal, but because he knows that they are not, and believes that they will not hereafter be imported." A few "ostensible regulations" in the interest of the slaves had been made by the West India legislatures, but they were declared to be "demonstrably futile"; it was asserted that the slaves so far had derived no benefit from the Abolition Acts, and that the colonial assemblies did not regard abolition as effectual but still looked to Africa for fresh supplies of slaves. Existing acts of Parliament contained no prac-

[1] *The Life of William Wilberforce*, vol. IV, pp. 250–252.

[2] *Reasons for establishing a Registry of Slaves in the British Colonies, being a Report of a Committee of the African Institution* (London, 1815).

[3] Vol. XXV, p. 315 *et seq.*; *The Life and Times of Henry Lord Brougham*, vol. II, p. 222.

[4] Minutes of the Standing Committee of West India Planters and Merchants (MS.), vol. IV (Feb. 14, 1805–Mar. 12, 1822), p. 347.

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tical provisions to prevent negroes illegally imported into the colonies, and not confiscated for that cause, from being kept in slavery. "It is highly desirable . . . that means should be devised, if possible, to make the true condition of the colonial negroes matter of public, notorious and conclusive evidence"; and "a still greater *desideratum* that the means so to be provided should be calculated to act in general without the direct and active aid of any court or magistrate." It was submitted that the best means of accomplishing this object would be a public registry of slaves throughout the British West Indies, similar to that already established in Trinidad, and various reasons were given to show that the colonial legislatures were incompetent to legislate effectively to this end.

On June 13, 1815, at a moment when the attention of the nation was focused on the final campaign against Napoleon, Wilberforce moved in the House of Commons for leave to bring in a bill "for better preventing the illicit Importation of Slaves into the British Colonies". Speaking for the Government, Lord Castlereagh gave it to be understood that he did not object to the bill being brought in and printed, provided that further proceedings upon it should be deferred to another session, but that he thought it inexpedient for Parliament to pass such a measure if the colonial legislatures could be induced to do so themselves. Wilberforce agreed not to press his bill during the session, and leave was granted to bring it in.[1] It was read a first time on July 5, and ordered to be printed.[2]

The bill was modeled on the Trinidad order-in-council.[3] The preamble declared that illicit importation of slaves into the British colonies wherein slavery was established by law, and the holding in slavery therein of negroes and mulattoes lawfully entitled to their freedom, could not be effectually prevented

[1] Hansard, *Parliamentary Debates*, vol. XXXI, 772, 784–785; *Memoirs of the Life of Sir Samuel Romilly*, 2d. ed., vol. III, p. 181.

[2] Hansard, vol. XXXI, 1133. The bill is printed in *Parl. Papers*, sess. 1814–1815, H. C. 458.

[3] *A Review of the Colonial Slave Registration Acts, in a Report of a Committee of the Board of Directors of the African Institution made on the 22d of February, 1820, and published by order of that Board* (London, 1820), p. 7.

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"without some better provision than the Laws in force within the said Colonies have made for ascertaining the numbers and identifying the persons of the Slaves now within the same, and of the future Issue of the female Slaves, upon whom by the laws of the said Colonies the condition of Slavery descends"; and further, that "by reason of the intercourse between the said Colonies, and the frequent passage and removals of Slaves from one British Colony to another, and the frequent transfers of property in Slaves within the said Colonies, by sale, mortgage and otherwise, made by and to Persons resident in this United Kingdom, and for other reasons, the necessary Provisions and Regulations for the purpose aforesaid cannot be fully and effectually made by the separate interior Legislatures of the said Colonies respectively, but only by the Authority of Parliament."

The bill then provided for the establishment in every British colony where slavery was lawful of a public registry for the enrollment of the names and descriptions of all persons held as slaves within the colony, and for the appointment of a registrar of slaves for each colony. All persons in possession of slaves were to be required, within a limited time, to deliver to the registrar, upon oath, lists of all their slaves, with particulars as specified, these to constitute the "Original Return of Slaves". At the expiration of a certain period the registrar was to close and authenticate this registration, to be known as "The Original Registry", and duplicate books thereof were to be transmitted to the Colonial Office. At the expiration of three years from the completion of the Original Registry, and periodically thereafter upon the expiration of three years, triennial returns were to be made and general abstracts thereof prepared, authenticated and transmitted to the Colonial Office. Registrars were entitled to demand a fee for the registration of every return and for every slave named in such return. A fine was imposed for falsely returning as a slave belonging to any owner the name of any slave or pretended slave not so belonging. There were detailed regulations for the transfer of slaves from one British colony to another, in order to prevent "the fraudulent introduction and registration of Slaves brought from Africa or

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Foreign Colonies, under pretense of their having been brought from a British Colony", and the penalty for exporting slaves from one British colony under an actual or alleged destination to another, without certificate from the registrar, was forfeiture of the slaves and the vessel in which they were exported. After the closing of the Original Registry no person was to be held in slavery unless duly registered, and every person not so registered was to be deemed to be free, fugitives from other colonies excepted. A "General Registry of Colonial Slaves" was to be established in London and a "General Registrar of Colonial Slaves" appointed, to whom all duplicates and abstracts of the original and the triennial registries were to be delivered; and after a limited time it was to be unlawful for any British subject within the United Kingdom to purchase, contract for, or lend money on the security of, slaves in the colonies, unless they were duly registered in the General Registry. The most essential provision of the bill, in the opinion of those who supported it, was not that it required the master to make returns of his slaves, but that it made it to his interest to do so by providing that his title to them in the future should depend upon their being registered, for it decreed that in any suit to prove ownership it must be shown that the person claimed as a slave had been duly enrolled.[1]

The opposition to the Registry Bill was immediate and intense.[2] The West India "Interest", as it was called, at once took alarm. Resolutions condemning the measure were adopted at a General Meeting of West India Planters and Merchants in London on June 13, the very day on which Wilberforce moved for leave to introduce the bill, and the Standing Committee of the association was directed "to omit no lawful and constitu-

[1] Hansard, vol. XXXI, 773–774. In *A Review of the Colonial Slave Registration Acts* the self-interest of the master was called the "executory principle" of the bill. According to Brougham (*Edinburgh Review*, vol. XXV, p. 336) the proposed law would have "the inestimable advantage of executing itself". The abolitionists believed that a registration law that depended upon its penal provisions for enforcement would not, in the state of public opinion in the West Indies, actually be enforced; see *The Speech of James Stephen*, referred to above, pp. 27–30.

[2] The constitutional phase of the opposition will be considered at length later.

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tional means of averting the many calamities to the Mother Country, and the Ruin to the Colonies, with which the interference in question is pregnant".[1] On July 3, before the bill had passed first reading, the Standing Committee adopted resolutions advising the West India legislatures to protest against it, and to make their sentiments known to the British Government; and copies of these resolutions were duly forwarded to the colonies, and also to West India committees in other cities in Great Britain, for the purpose of promoting opposition to the bill.[2]

The colonial legislatures were not slow to express themselves. St. Vincent, in the Leeward Islands, seems to have been the first to take action. On October 13, 1815, the legislature unanimously adopted resolutions protesting against the bill on constitutional grounds and denying that illicit importation of slaves into the island had taken place, but expressing willingness to concur in measures that might be deemed necessary to prevent such importation in the future, and announcing that they would immediately prepare a bill for the registry of slaves which would embody all of the provisions of the Wilberforce Bill that were consistent with the safety of the free inhabitants of the colony and the unenlightened minds of the slaves. They also proposed that communication should be entered into with

[1] Minutes of the Standing Committee of West India Planters and Merchants (MS.), vol. IV, pp. 347–348. In the second half of the eighteenth century it became customary for the planters and merchants of the West Indies resident in London to hold meetings, and there came into existence an association known as "The West India Planters and Merchants", with a permanent committee called the "Standing Committee". See Penson, Lillian M., *The Colonial Agents of the British West Indies*, pp. 197–211, and also an article by the same author in *The English Historical Review*, July, 1921, entitled "The London West India Interest in the Eighteenth Century". The manuscript Minute Books of the Standing Committee are in the possession of the West India Committee, 14 Trinity Square, London, E. C. 3. For the privilege of examining them I am indebted to the good offices of Sir Charles Lucas, and to the courtesy of Mr. A. E. Aspinall and Mr. G. N. Knight, Secretary and Assistant Secretary, respectively, of the West India Committee.

[2] Minutes of the Standing Committee of West India Planters and Merchants, vol. IV, pp. 352–354, 355; Dominica, Journals of the House of Assembly, Dec. 19, 1815, C. O. 74:12.

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the other West India legislatures to arrange for concerted opposition.[1]

By far the largest of the British West Indies, both in area and in population, and much the most important, was Jamaica. On October 20, 1815, the House of Assembly appointed a committee to take into consideration the Registry Bill and the information relating to it which had been transmitted from England by the agent of the colony, and "to report their opinion of the measures which ought to be adopted by the house to prevent the said bill being passed into a law". On October 31, the House adopted, with certain amendments, the report of the committee and a series of resolutions attached. The latter declared, in effect, that the Registry Bill was an unconstitutional interference by Parliament in the internal affairs of the colony, asserted that the abolition laws had been accepted in good faith, and pledged the House to establish by evidence that no illicit trade in slaves had been carried on in Jamaica.[2]

Reports and resolutions of similar character were adopted by both branches of the legislature in Antigua, Dominica, Nevis and Tobago, and by the House of Assembly in the Bahama Islands and Barbados.[3] An examination of these documents

[1] These resolutions are printed in *The Royal Gazette* (Jamaica), vol. XXXVIII, no. 14, March 30–April 6, 1816, p. 18; also in *Thoughts on the Abolition of the Slave Trade, and Civilization of Africa; with Remarks on the African Institution, and an Examination of the Report of their Committee, recommending a General Registry of Slaves in the British West India Islands* (London, 1816), pp. 190–192. This pamphlet was published anonymously, but is known to be the work of Joseph Marryat, Agent of Grenada. See *infra*, pp. 14–15.

[2] *Journals of the Assembly of Jamaica*, vol. XII, pp. 688, 692, 696–697.

[3] Dominica, Journals of the House of Assembly, Feb. 14, 1816, C. O. 74:12; Tobago, Minutes of Assembly, April 9, 10 and 13, 1816, C. O. 288:10, and C. O. 285:21; Bahama Islands, Journal of the House of Assembly, Dec. 15 and 28, 1815, C. O. 26:19. The Barbados resolutions, unanimously adopted by the House of Assembly on January 17, 1816, are printed in Jordan, G. W., *An Examination of the Principles of the Slave Registry Bill, and of the Means of Emancipation proposed by the Authors of the Bill* (London, 1816), pp. 143–144, and in *The Report from a Select Committee of the House of Assembly, appointed to inquire into the Origin, Causes, and Progress of the late Insurrection* (Barbados, printed by order of the legislature), appendix, pp. 57–58. The report of the Antigua legislature against the Registry Bill was adopted before Nov. 24. 1815 (Antigua, Minutes of the Legislative Council, Letter of A. Browne to the President of the Council and Speaker of

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sustains the statement made by a member of the Assembly of Barbados, that "the principal objections in the minds of the Colonists to the passing of the Registrar Bill rest upon two distinct grounds, first, as to the right of the British Parliament to legislate for the Colonies; and secondly, as to the specific enactments of the Bill itself." [1]

In Jamaica an effective means of furthering agitation was found in parish meetings, at which resolutions of protest against the bill were adopted. The following resolution, passed at a meeting of the Parish of Port-Royal on December 18, 1815, will serve as typical of them:

> Resolved, That we cannot recognize any laws that may be contemplated by the Parliament of Great-Britain for the internal government of this island—not only because they have no manner of right to interfere in this respect with us, but because it is altogether impossible that any men, or set of men, however enlightened, can be competent to the task of legislating, justly and suitably, for a people 5000 miles distant from them, whose local difficulties they are either wholly unacquainted with, or obstinately blind to.[2]

Copies of the reports and resolutions adopted by the colonial legislatures were forwarded to the agents of the colonies, with instructions to do all in their power to prevent the passing of the bill.[3] The agents seem to have acted with great energy,[4] and two of them, Gibbes Walker Jordan and Joseph Marryat,

the House, dated Jan. 22, 1816, C. O. 9:47), but the legislative journals of Antigua for 1815 are not found in the sessional papers of the colony in the Public Record Office. The Nevis resolutions are referred to in the Journals of the House of Assembly of that island under date of April 4, 1816, C. O. 186:11.

[1] Barbados, Journals of the Assembly, Aug. 27, 1816, C. O. 31:47.

[2] *The Royal Gazette* (Jamaica), vol. XXXVII, no. 51, p. 11. Resolutions of other parish meetings are printed in *ibid.*, XXXVII, no. 49, pp. 23, 25, 26, 28, no. 50, p. 28, no. 51, pp. 13, 24; vol. XXXVIII, no. 2, p. 15, no. 3, p. 30, no. 6, p. 14.

[3] *Journals of the Assembly of Jamaica*, vol. XII, pp. 696–697; Bahama Islands, Journal of the House of Assembly, Dec. 28, 1815, C. O. 26:19; Tobago, Minutes of Assembly, April 13, 1816, C. O. 288:10; Jordan, *op. cit.*, p. 144.

[4] A. Browne to the President and Speaker, Jan. 22, 1816, Antigua, Minutes of the Legislative Council, C. O. 9:47; Virgin Islands, Journals of Assembly, Aug. 17, 1816, C. O. 316:3.

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agents for Barbados and Grenada respectively, prepared elaborate pamphlets against the bill.[1] The latter was a member of the House of Commons, as was Charles Nicholas Pallmer, Chairman of the West India Planters and Merchants, and these two men were the leading antagonists of the bill in Parliament.[2]

The West India Planters and Merchants continued to be the head and front of the opposition in England. Resolutions against the bill, framed by a sub-committee of the Standing Committee, were adopted by the latter and by a General Meeting of Planters and Merchants held in London on January 19, 1816.[3] A Managing Committee was appointed to give effect to the resolutions and to prepare a petition to the House of Commons. Copies of the resolutions were transmitted to members of Parliament and to the West India committees in the outports, with the advice that they "lose no time in expressing their opinions respecting the Bill now depending in Parliament", "join in petitioning the House of Commons against the said Bill", and instruct their members "to give every opposition to its passing into Law."[4]

In addition to the pamphlets by Jordan and Marryat already mentioned, many others issued from the press which contributed

[1] For the titles see *supra*, p. 13, notes 1 and 3.

[2] Anthony Browne, agent for Antigua and Montserrat, was also a member of the House of Commons and strongly opposed the bill. Before the Reform Act the West India "Interest" always had a number of spokesmen in the House of Commons, for colonial agents, merchants and planters resident in England were often returned by pocket boroughs, which were abolished in 1832. The West Indies thus enjoyed what was sometimes called an "indirect representation" in Parliament. Votes of the Honourable House of Assembly of Jamaica, in a session begun October 30 and ended December 14, 1832, p. 22, C. O. 140:122.

[3] Minutes of the Standing Committee, vol. IV, pp. 357–365. These resolutions are printed in *The Royal Gazette* (Jamaica), vol. XXXVIII, no. 11, March 9–16, 1816, p. 26, and in *Brief Remarks on the Slave Registry Bill and upon a Special Report of the African Institution, recommending that Measure* (London, 1816), p. 51 *et seq.*

[4] Minutes of the Standing Committee, vol. IV, pp. 365–367. On February 17, 1816, the West India Planters and Merchants of Edinburgh adopted a petition to the House of Commons against the bill, and similar resolutions of protest were adopted by the Association of West India Merchants and Planters of Glasgow on March 5, 1816; see *The Royal Gazette* (Jamaica), vol. XXXVIII, no. 17, p. 20; no. 24, p. 2.

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materially to strengthening opposition to the bill.[1] Over and over again the statement was made that it was intended as the beginning of a new system of parliamentary interference in colonial affairs and that the ultimate purpose of those who supported it was to emancipate the slaves. "The stream runs most strongly against us," Wilberforce recorded in his Diary under date of February 14, 1816,[2] though at a conference between some of the leading supporters and opponents of the bill, held two weeks later, he intimated that he would proceed with the measure unless the West Indies gave him assurance that the objects which he and his friends sought to attain would be accomplished by other means.[3]

On May 15, the Colonial Secretary, Lord Bathurst, called a meeting of West India agents at the Colonial Office. He told them that there had been no proof of the violation of the Abolition Laws in the West Indies, but that the termination of war with France would afford opportunities for such violation in the future. While not abandoning the right of Parliament to legislate internally for the colonies, the Government, he said, believed this right should be resorted to only in cases of necessity, in which the colonial legislatures would not act. He announced that it was proposed to instruct the West India governors to recommend to their legislatures the enactment of

[1] Among these were: *Brief Remarks on the Slave Registry Bill and upon a Special Report of the African Institution recommending that measure* (London, 1816); *Negro Emancipation made easy; with Reflections on the African Institution and Slave Registry Bill* (London, 1816) by "A British Planter"; *The Penal Enactments of the Slave Registry Bill examined in a Letter to Charles N. Pallmer, Esq., M. P.* (London, 1816); *A Letter to the Members of the Imperial Parliament, referring to the evidence contained in the proceedings of the House of Assembly of Jamaica, and shewing the injurious and unconstitutional tendency of the proposed Slave Registry Bill* (London, 1816) by "A Colonist"; *The Edinburgh Review and the West Indies; with Observations on the pamphlets of Messrs. Stephen, Macaulay, etc., and Remarks on the Slave Registry Bill* (Glasgow, 1816) by "Colonist"; *The Interference of the British Legislature in the Internal Concerns of the West India Islands, respecting their Slaves, deprecated* (London, 1816), by "A Zealous Advocate for the Abolition of the Slave Trade".

[2] *The Life of William Wilberforce*, vol. IV, pp. 282, 286.

[3] A minute of this conference is attached to Minutes of the Standing Committee March 5, 1816.

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registry bills of their own, and called upon the agents to co-operate. To this all agreed. Jordan, the agent of Barbados, remarked that the legislature of his colony had already pledged itself to this effect, but that it would have unfortunate effects upon the colonial legislatures if Wilberforce persisted with his bill. It was accordingly agreed that Lord Bathurst should try to persuade him to withdraw it—without, however, conceding that Parliament was not competent to legislate in the premises. After some hesitation Wilberforce agreed not to proceed with the bill during the session of 1816.[1]

In a circular letter of June 28, 1816, to the West India governors, Lord Bathurst informed them that the reintroduction of the Registry Bill during the session of that year had been suspended mainly in consequence of assurances given by the Government that the West India legislatures were prepared to pass local registration acts. He was careful to say, however, that Parliament's reluctance to act had not arisen "either from any doubt of the expediency of some measure being adopted of this description, or of the Right of Parliament to require a Registration of Slaves in the Colonies, and to enforce obedience to such a provision." He instructed the governors to urge their assemblies to pass local acts, similar in principle to Wilberforce's bill. They were to make it clear, however, that the British Government had no intention of proposing the emancipation of the slaves, and that they were not under the impression that there had been any systematic evasion of the Abolition Laws in the colonies.[2] Before 1820 local slave registration acts had

[1] Accounts of this meeting at the Colonial Office are in Barbados, Journals of the Assembly, Aug. 6. 1816, C. O. 31:47, and in Virgin Islands, Journals of Assembly, Aug. 17, 1816, C. O. 316:3.

[2] This circular letter is in C. O. 29:30, p. 29 *et seq.* The reason for a registration of slaves, Lord Bathurst explained, was that the recent return of peace would open facilities for the violation of the laws which had not existed while the war was in progress. "At that time," he wrote, "all the West India Islands, with little exception, were in our possession, and our Laws for the Prohibition of the Slave Trade enforced within them. The appearance of a trading vessel, if she did not sai in convoy, was enough to create suspicion, and the vessel was liable to search. At the Peace, most of the captured Islands have been restored, and although the Powers to whom they have been restored have concurred in the prohibition of the Slave Trade, we cannot have the same assurance that such a Traffick has no existence in

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been passed in every British colony in which slavery existed, except Bermuda.[1] They differed in various respects, however, from Wilberforce's Bill, most notably in not requiring registration as evidence of a title to property in slaves. From the point of view of the abolitionists, these acts were inadequate, and a committee of the African Institution reported in 1820 that the experiment of leaving slave registration to the colonial legislatures had definitely failed.[2]

The West Indians made the most of a slave insurrection that broke out in Barbados in April, 1816, and was undoubtedly connected with the Registry Bill, for the purpose of discrediting that measure. The abolitionists denied that they were to blame for the outbreak and tried to fasten responsibility upon the planters. The abolitionist view was thus stated by Sir Samuel Romilly in his Diary:

> That the late insurrection at Barbados was at all connected with the Registry Bill has not been satisfactorily shown; but those who pretend that that Bill was the cause of it, themselves allege that the Bill was misunderstood by the slaves, who supposed that it was immediately to make them free. Such a misconception, if it exists has, it is evident, originated with the West Indians. They have themselves, by their

some of their possessions. . . . Under these circumstances, a systematic Evasion of the Laws may gradually grow up. . . . " *Cf.* James Stephen to Earl Bathurst, June 12, 1815, Historical Manuscripts Commission, *Report on the Manuscripts of Earl Bathurst* (London, 1923), pp. 351–353.

[1] *A Review of the Colonial Slave Registration Acts* (London, 1820), p. 4. The colonial slave registration laws are contained in five collections of papers presented to the House of Commons and printed by its order, viz: (1) "Colonial Laws respecting Slaves", April 5, 1816; (2) "Colonial Laws and Correspondence respecting Slaves", February 26, 1817; (3) "Additional Colonial Laws respecting Slaves", June 6, 1817; (4) "Further Papers relative to the Treatment of Slaves in the Colonies", June 10, 1818; (5) "Papers relating to the Treatment of Slaves in the Colonies", June 7, 1819. These laws provided for the transmission to the Colonial Office of copies of the registries, and in 1819 Parliament established a Registry of Colonial Slaves in England (59 Geo. III, c. 120) and provided that after January 1, 1820, it should not be lawful for any British subject in the United Kingdom "to purchase, or to lend or advance any money, goods, or effects upon the security of any Slave or Slaves in any of his Majesty's colonies or foreign possessions, unless such Slave or Slaves shall appear by the return received therein to have been first duly registered in the said office of the Registrar of Colonial Slaves."

[2] *A Review of the Colonial Slave Registration Acts*, pp. 113–115, 119, 125.

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exaggerations, connected the notions of a registry and of emancipation; and they have most unintentionally, by foolishly foretelling, really caused this calamity.[1]

A committee of the assembly of Barbados, after examining witnesses, indignantly denied that the colonies were responsible for the association of emancipation with registration in the minds of the slaves, and pointed out that the Report of the African Institution, advocating a registry of slaves, had avowedly looked forward to the future extinction of slavery.[2] On the whole, the insurrection strengthened the West India cause and, for the time, correspondingly weakened the abolitionists.[3] On June 19, 1816, on motion of Mr. Pallmer, the House of Commons voted to present to the Prince Regent an address asking him to direct the governors of the West India colonies to proclaim his "highest displeasure at the daring insurrection . . . in the island of Barbados", and on June 27 the House of Lords took similar action.[4]

It was evident that there was no likelihood that the Government would change their attitude toward the Registry Bill, and post-war conditions at home claimed the attention of Parliament and the public. "I have for some time been unwillingly yielding to a secret suggestion that it would be better perhaps to lie upon our oars in the Registry Bill, and West Indian cause," Wilberforce wrote to Macaulay in January, 1817. He added:

When parliament meets, the whole nation, depend upon it, will be looking up for relief from its own burthens, and it would betray an ignorance of all tact to talk to them in such circumstances of the

[1] *Memoirs of the Life of Sir Samuel Romilly* (2nd ed., London, 1840), vol. III, p. 254.

[2] *The Report from a Select Committee of the House of Assembly*, mentioned above. Sir James Leith, governor of Barbados, thought that the chief cause of the insurrection was "the misrepresentation and instigation of ill-disposed Persons, who have been endeavouring to induce a belief that the Slaves were actually made free, but that the Manumissions were improperly withheld from them". Address to the Slave Population of the Island of Barbados, C. O. 28:85.

[3] Virgin Islands, Journals of Assembly, August 17, 1816, C. O. 316:3.

[4] Hansard, vol. XXXIV, 1189, 1225, 1277-1278.

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sufferings of the Slaves in the West Indies. We should specially guard against appearing to have a world of our own, and to have little sympathy with the sufferings of our countrymen.[1]

When the parliamentary session of 1817 opened, the abolitionist leader was immersed in the labors of a secret committee that had been appointed to investigate sedition, and we hear no more of his Registry Bill.[2]

III

The most comprehensive constitutional argument advanced against the Registry Bill was that the right to legislate for the colonies in their internal affairs was vested in the colonial legislatures exclusively. Whatever may be thought of its merits or demerits, students of the American Revolution will at once recognize that such a claim was not a novelty.

The emphasis that has been placed upon taxation as a cause of the dispute between Great Britain and the continental colonies has perhaps tended to obscure other phases of that great controversy. Early in its course, in protests evoked by the Stamp Act, several of the colonial assemblies coupled "internal polity" with taxation as a subject of local regulation.[3] The fourth of the famous Virginia Resolves of May 30, 1765, declared that the people of Virginia had without interruption "enjoyed the inestimable right of being governed by such laws, respecting their internal polity and taxation, as are derived from their own consent, with the approbation of their sovereign, or his substitute".[4] In the original draft of the resolu-

[1] *The Life of William Wilberforce*, vol. IV, p. 307.

[2] Coupland, R., *Wilberforce*, p. 459.

[3] The Rockingham Whigs, especially Burke, said little of this wider American claim, and their speeches and writings have had great influence upon the historical interpretation of the causes of the Revolution. See Fisher, Sydney George, "The Legendary and Myth-Making Process in Histories of the American Revolution", in *Proceedings of the American Philosophical Society*. vol. LI, p. 53 *et seq.*

[4] Morison, S. E., *Sources and Documents Illustrating the American Revolution, 1764–1788, and the Formation of the Federal Constitution* (Oxford, 1923), p. 17. For similar resolutions adopted by other assemblies see *The Public Records of the Colony of Connecticut* (May, 1762 to Oct. 1767), p. 423, and *Records of the Colony of Rhode Island and Providence Plantations in New England*, vol. VI, p.452.

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tions contained in the Declaration and Resolves of the First Continental Congress, adopted on October 14, 1774, the right of internal legislation was claimed for the colonial legislatures exclusively in these words:

> That the power of making laws for ordering or regulating the internal polity of these Colonies, is, within the limits of each Colony, respectively and exclusively vested in the Provincial Legislature of such Colony; and that all statutes for ordering or regulating the internal polity of the said Colonies, or any of them, in any manner, or in any case whatsoever, are illegal and void.[1]

As modified and somewhat softened in phraseology, though not in intent, this claim appears in the Declaration and Resolves in this form:

> That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed.[2]

The rest of the resolution goes beyond a claim of exemption from parliamentary authority in internal affairs, and implies a questioning, if not a denial, of Parliament's right to legislate, even externally, for the colonies.[3] Indeed, by this time the more radical leaders of public opinion in America, like John Adams, Jefferson and James Wilson, had taken the ground that Parliament had, of right, no authority whatever over the colonies.[4]

[1] *Journals of the Continental Congress*, ed. by Ford, W. C., vol. I, p. 67.

[2] *Ibid.*, pp. 68–69. This resolution, which the conservatives in the Continental Congress objected to as aiming at independence, was prepared by John Adams; *ibid.*, p. 63, footnote 2.

[3] McIlwain, *op. cit.*, p. 116.

[4] For an illuminating discussion of this phase of colonial opinion see Adams, R. G., *op. cit.*, ch. iii, v, vii.

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The West India planters, in close commercial relations both with Great Britain and the continental colonies, watched with lively interest and no little apprehension the progress of events in the controversy that threatened to disrupt the Empire and bring economic disaster upon themselves. They were familiar with the radical American constitutional claims, which many if not most of them regarded as valid. In a "Petition and Memorial" addressed to the King, adopted on December 23, 1774, by a vote of sixteen to nine, the Assembly of Jamaica virtually took its stand beside the Continental Congress.[1] It declared that Parliament had no right to legislate for the colonies, and that the colonists were not, and ought not to be, "bound by any other laws, than such as they have themselves assented to." Acts of Parliament for the regulation of trade had, the petitioners admitted, been "received" in the colony of Jamaica, but, they said, "though we received those regulations of trade from our fellow subjects of England . . . we did not thereby confer on them a power of legislating for us, far less that of destroying us and our children, by divesting us of all rights and property." They were conscious of the benefits to the whole empire that had resulted from parliamentary regulation of commerce prior to 1760, and, like the Continental Congress, they declared for themselves and their constituents that they freely consented to "the operation of all such acts of the British parliament, as are limited to the regulation of our external commerce only, and the sole objects of which are the mutual advantage of Great Britain and her Colonies". Like the Continental Congress, also, the Jamaica Assembly derived the rights of the colonists from the principles of the "English Constitution" and from royal grants guaranteeing to the colonists the rights of English subjects.

The position taken by the West India colonists in their protests against the Registry Bill was less extreme and perhaps less logical than that of the Continental Congress and of the Jamaica Assembly in 1774, for they conceded that Parliament had a constitutional right to regulate their external commerce. Their claim finds an antecedent analogy in the argument of

[1] *Journals of the Assembly of Jamaica*, vol. VI, pp. 569–570.

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John Dickinson in his *Essay on the Constitutional Power of Great Britain over the Colonies in America*, published in 1774.[1] In this tract Dickinson denied both that Parliament possessed unlimited authority over the colonies and that it possessed no authority at all over them. Distinguishing between internal and external legislation, he held that the former belonged to the colonial legislatures exclusively. "In our provincial legislatures, the best judges in all cases what suits us . . . subject to the controul of the crown, as by law established, is vested the *exclusive right of internal legislation*." A parliamentary power of internal legislation for the colonies he declared to be "equally contradictory to humanity and the constitution, and illegal." The power to regulate trade, on the other hand, was in his opinion, "legally vested in parliament, not as a supreme legislature over these colonies, but as the supreme legislature and full *representative* of the parent state, and the only judge between her and her children in commercial interests, which the nature of the case, in the progress of their growth, admitted." In reaching these conclusions Dickinson paid his respects to precedents, but his main reliance was upon the doctrine of "natural law" as embodied in the "English Constitution". "Submission to unjust sentences," he wrote, "proves not a *right* to pass them", and "precedents to overthrow *principles*, to justify the *perpetual* oppression of *all*, and to *impair the power of the constitution*, though a cloud of them appear, have no more force than the volumes of dust that surround a triumphal car. They may obscure it; they cannot stop it."[2]

Ten years after Great Britain had recognized the independence of the United States, Bryan Edwards brought out his *History of the West Indies*, in which he expressed opinions regarding the constitutional authority of Parliament that were in keeping with those of Dickinson and were undoubtedly prevalent among the class to which the author belonged, the West India planters. The authority of Parliament, according to Edwards, was not unlimited, even within the realm. On the con-

[1] *The Political Writings of John Dickinson* (2 vols.. Wilmington, 1801), vol. I, p. 329 *et seq.*

[2] *Ibid.*, pp. 361, 395, 399, 400, 401.

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trary, it was limited by the fundamental laws embodied in the English Constitution, which he defined as "a system of principles transmitted down to us from time immemorial, and established into common rights at the price of the best blood of our ancestors". These rights included "the rights of personal liberty and private property, the mode of trial by jury, the freedom of worshipping our Creator in what manner we think best, a share in the legislature, and various other rights, coeval with the government." If the legislature should subvert these rights, it would be guilty of usurpation, and the people would be justified, in last resort, "by the laws of God and nature", in resuming the trust which had been violated. As the authority of Parliament was not unlimited, even within the realm, where the people were represented, much less was it supreme in all cases whatsoever over the colonies, as had been asserted in the Declaratory Act of 1766. The colonists owed allegiance to the King, but not to the Lords and Commons of Great Britain.[1] Edwards conceded, however, that the colonies were "subordinate" to Parliament and said that in matters "to which the local jurisdiction of any one particular colony is not competent, the superintending control of Great Britain is necessarily admitted." In precisely what cases Parliament had a right to legislate for the colonies he did not attempt to determine. It would not be difficult, he said, "to point out many cases, and to imagine others, wherein the authority of Parliament has been, and may again be, constitutionally exerted, in regard to the colonies, without abolishing every restriction on the part of *governors*, and extinguishing every right on the part of the *governed*. Previously excluding, however, every idea of its interposition in the concerns of internal legislation, and all other matters to which the colonial assemblies are sufficiently competent."[2]

[1] Edwards, Bryan, *The History, Civil and Commercial, of the British Colonies in the West Indies* (Dublin, 1793, 2 vols.), vol. II, pp. 341–343. Sir Charles Lucas thinks that Edwards intended to assert that the West India colonies were legally independent of Parliament; see his edition of Lewis, Sir G. C., *An Essay on the Government of Dependencies*, p. 349.

[2] Edwards, vol. II, pp. 343–346.

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IV

In the debate in the House of Commons on Wilberforce's motion for leave to introduce his bill, the constitutional aspects of the measure were touched upon, but none of its opponents categorically denied the right of Parliament to pass it. Anthony Browne, agent for Antigua and Montserrat, observed that it involved "the doubtful and hazardous question of the right of this country to legislate for the internal and domestic concerns of the colonies",[1] while Joseph Marryat, agent for Grenada, declined to enter into the question of the constitutional rights of the colonies, though he pointedly remarked: "We ought to recollect that by persisting in the question of right we lost America."[2]

The West India assemblies were more explicit. Their main constitutional objections to the bill were, first, that it was a case of internal legislation, and second, that it violated the pledge given by Parliament in 1778 not to impose taxes on any British colony in North America or the West Indies except for the purpose of regulating trade.[3] The Assembly of Jamaica, in its resolutions of October 31, 1815, declared that the bill assumed "a right of legislation within the island upon a subject of mere municipal regulation and internal police", exercised "a power over the estates and property of the inhabitants", imposed "the most grievous penalties and forfeitures, to be inflicted at the will of a single officer, without trial by jury", and levied "fees and gratuities to the use of the said officer and others, on the inhabitants, not given or consented to by their Representatives in General Assembly". By which enactments, it

[1] Hansard, vol. XXXI, 776–778.

[2] *Ibid.*, 781–782.

[3] The statute in question (18 Geo. III, c. 12) enacted "that from and after the passing of this Act the King and Parliament of Great Britain will not impose any Duty, Tax, or Assessment whatever, payable in any of His Majesty's Colonies, Provinces or Plantations in North America or the West Indies; except only such duties as it may be expedient to impose for the Regulation of Commerce: the net produce of such duties to be always paid and applied to and for the use of the Colony, Province or Plantation in which the same shall be respectively levied in such manner as other duties collected by the authority of the Respective General Courts or General Assemblies of such Colonies are ordinarily paid and applied."

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added, "not only the constitutional right of internal legislation is infringed, but the pledge, in respect of taxation, given to the Colonies by the Statute of 18 Geo. 3, c. 12, is violated".[1]

One of the resolutions adopted by the legislature of St. Vincent on October 13, 1815, reads: "That they consider the interference of the Imperial Parliament in the internal regulations of the Colonies, as an infraction of those original rights under which British subjects were induced to settle in them."[2]

The Assembly of the Bahama Islands, in resolutions passed on December 28, 1815, asserted that the Registry Bill, if enacted,

> would be in direct violation of the most valuable constitutional rights and privileges of the Colony, inasmuch as it would introduce a minute system of internal regulation with regard to the private concerns of every individual in these Islands, and impose sundry taxes, assessments and penalties on the Inhabitants generally, by the Authority of Parliament alone; and that any attempt to put the provisions of the same into effect in this Colony, would not be more unjust and unconstitutional in principle, than oppressive and ruinous in practice.[3]

The Assembly of Barbados, in resolutions adopted on January 17, 1816, declared:

> that the *sole* right of imposing taxes on the inhabitants of this Island, or of passing laws for internal regulation, is now, and hath been for a length of time past, vested in the House of Assembly with consent of the Council, and of the King or his Representative here for the time being: a right which can never be safely or advantageously exercised by those who are utter strangers to these Colonies, and must necessarily want that local information which is so essential to the important work of legislation.[4]

One of a series of resolutions framed by a joint committee of the legislature of Dominica and approved by the Council and Assemby on February 14, 1816, reads in part as follows:

[1] *Journals of the Assembly of Jamaica*, vol. XII, p. 696.

[2] *The Royal Gazette* (Jamaica), vol. XXXVIII, no. 14, p. 18.

[3] C. O. 26:19.

[4] Jordan, *op. cit.*, p. 61.

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Your Committee solemnly deny and hereby publickly protest against all right in the British Parliament to legislate internally in the Colonies. They contend that no such right ever did or could exist in any Colony which enjoys an independent Legislature.[1]

In Tobago a joint committee of the legislature, whose report was approved by both houses in April, 1816, declared that they beheld with dismay

this Commencement of Interference on the Part of the Parliament of Great Britain, not only in Matters of Internal Regulation and Police, and coming decidedly within those enactments . . . which the Legislature of Tobago are of Right allowed exclusively to exercise, but also imposing Taxes, and inflicting Pains, Penalties, and Forfeitures, upon the Inhabitants, with Respect to their Property or Conduct, contrary to the aforesaid Proclamations, and contrary to the express Declaratory Law of the *18th Geo. III. chap. 12*.[2]

V

To support their contention that Parliament had no right to legislate for them internally, the West Indians and their friends relied mainly upon the doctrine of the "inherent rights" of British subjects and the principles of the "English Constitution". The resolutions of the Jamaica Assembly, referred to above, affirmed that

the most important of the rights, privileges, immunities, and franchises, which are inherent in British subjects as their birthright, and have by them been brought to this island, is to consent to those laws by which they are to be governed, by the exercise of the right to send their Representatives to the said General Assembly, who, with his Majesty, and the Council, can, and of right ought to do, all such acts and matters of legislation, respecting the internal government of the island, as the Imperial Parliament can do within the United Kingdom of Great Britain and Ireland.

A committee of the Assembly, in a report adopted unanimously by the House on December 20, 1815, referred to a procla-

[1] C. O. 74:12.

[2] C. O. 285:21.

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mation of Charles II, to the effect that all persons born in Jamaica should have the same privileges as free-born subjects in England, "as declaratory of inherent rights, which . . . his Majesty could not confer nor take away". No other authority than that of the King (represented in Jamaica by the Governor), Council and Assembly, the committee asserted, "could have any right, on the principles of the British constitution, to interfere in our internal legislation".[1]

The Assembly of the Bahama Islands affirmed:

> that the constitutional Rights of Free British Subjects are indefeasible without their own consent, and that they are equally entitled to the same whatsoever part of His Majesty's Dominions they may inhabit, unless in such parts thereof, as may have been originally settled on different principles expressly declared, understood, and by the very act of settlement explicitly acquiesced in, on the part of the settlers themselves.[2]

The doctrine of "inherent rights" guaranteed by the "English Constitution" was set forth in various pamphlets that were elicited by the Registry Bill. "To the islands, settled by the English . . . the settlers," wrote one anonymous controversialist, "carried with them the unalienable birthright and privileges of British subjects, namely, that no power shall legislate for them, or tax them, without their consent. . . . The birthright of an Englishman no British Parliament can take away."[3]

The West India doctrine was thus emphatically stated by the agent for Barbados, Gibbes Walker Jordan, in his pamphlet to which reference has already been made:

> When the King, by virtue of his Royal prerogative, . . . constitutes and convenes a Colonial Parliament or General Assembly, composed of his representative, a council duly appointed by himself, and repre-

[1] *Journals of the Assembly of Jamaica*, vol. XII, pp. 782–783.

[2] Bahama Islands, Journal of the House of Assembly, Dec. 28, 1815; C. O. 26:19.

[3] *The Royal Gazette* (Jamaica), vol. XXXVIII, no. 22, p. 2. The writer, who signed himself "Colonist", contributed a series of letters to the *Glasgow Courier*, entitled "The Edinburgh Review and the West Indies", which were reprinted in *The Royal Gazette*.

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sentatives freely elected by the inhabitants and freeholders thereof, such Parliament or General Assembly possesses all the rights, privileges and powers of a Parliament, and of internal Legislation, to the exclusion of all other Parliaments or Legislative Bodies constituted and convened by the same royal powers for any other separate part or district, or united parts or districts of the realm. . . . Of the Parliaments of Great Britain, of Ireland before the Union, of Jamaica, Barbados, Grenada, each created and convoked by the same power for its particular district, none can possess the right of legislating for or within the jurisdictions of the others.[1]

Supporters of the Registry Bill admitted that Parliament had usually confined its legislation for the colonies to the regulation of their trade and navigation, but insisted that it possessed of right full legislative authority over them, except as limited by itself in regard to taxation by the Act of 1778. To concede the validity of the colonial claim to an exclusive right of internal legislation would be, they argued, to recognize the existence of an *imperium in imperio* and would place the colonies in the same position of independence with relation to Great Britain as that in which Hanover stood. They repudiated the sharp distinction which the West Indians sought to draw between internal and external legislation, and pointed out that acts of Parliament for the regulation of colonial trade often required supplementary internal regulations for their enforcement. The Registry Bill they held to be a case in point, its purpose being to give effect to the abolition of the slave trade.[2]

As to precedents, they pointed to various acts of Parliament applying to the colonies passed during the eighteenth century, where there had been no purpose of regulating trade. According to Stephen, who was a Master in Chancery, Parliament's right to legislate internally for the colonies had been "perseveringly asserted and maintained", and Brougham, the future Lord Chancellor, declared it to be "clear of all doubt". Wilberforce went so far as to say that the paramount right of Par-

[1] Jordan, *op. cit.*, pp. 62–63.

[2] *Reasons for establishing a Registry of Slaves in the British Colonies*, pp. 95–97, 99.

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liament had been at all times acknowledged.[1] The friends of the bill referred, in particular, to a provision of the Navigation Act of 1696 which declared null and void all laws in force in the colonies if they were repugnant to its enactments, or to earlier acts of Parliament mentioned in it, "or to any other law hereafter to be made in this kingdom, so far as such law shall relate to and mention the said plantations"; and they made much of the Declaratory Act of 1766, which declared that Parliament had "full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America . . . in all cases whatsoever". Even the Renunciation Act of 1778 was cited to show that Parliament retained general legislative authority over the colonies.[2]

The contention advanced by some of those who advocated the Registry Bill, that it could be regarded merely as a supplementary measure necessary to enforce the Abolition Laws, and was therefore justified, even if it were granted that Parliament had no right to legislate internally for the colonies, was considered by the West Indians as mere sophistry.[3] In the words of the report adopted by the Assembly of the Bahamas,

> . . . the Bill . . . is said not to contain matter of internal regulation in regard to the Colonies; for that its Object is merely to give effect to the laws abolishing the African Slave trade; and therefore that it can be regarded only as a part of the general maritime or foreign commercial system, to regulate which the Right of the mother country is indisputable in the Colonies; but if the maritime powers of Parliament are thus to follow every importation into the heart of every Colony . . . it would be difficult to say what Class of the Colonists, their possessions or concerns, would not, on principles equally sound, come fairly within the same jurisdiction.[4]

[1] *Edinburgh Review*, vol. XXV, p. 343; *Reasons*, etc., p. 105; Hansard, vol. XXXI, 774.

[2] *Reasons*, etc., pp. 103–105. In his circular letter to the governors of the West Indies (June 28, 1816) Lord Bathurst said: "The 18 Geo. 3d. cap. 12, which makes an exception, proves the general Right of Legislation over the Colonies." C. O. 29:30.

[3] See e. g., Jordan, *op. cit.*, p. 70.

[4] Bahama Islands, Journal of the House of Assembly, Dec. 15, 1817, C. O. 26:19.

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The West Indians would have agreed heartily with Dickinson that precedents cannot overthrow principles, for in their view even acquiescence by the colonies in unconstitutional acts of Parliament did not and could not make them valid. The exclusive right of the colonial legislatures to regulate internal affairs was not impaired, in their view, "by petty violations of their general right of Legislation, because not always nor captiously resisted".[1] Still the challenge of precedent was one that could not safely be declined, and attempts were made to interpret precedents in harmony with the West Indian claims. Thus the special committee of the Jamaica Assembly, to which we have referred, declared that the Navigation Act and the statutes mentioned in it related exclusively to trade, that when it was passed Parliament had not yet undertaken to interfere in the internal affairs of the colonies, and that, therefore, the fair interpretation of the act was that it contemplated future parliamentary legislation for the colonies on the subject of trade only.[2]

The unambiguous language of the Declaratory Act could not be explained away by interpretation, but there is no doubt that the West Indians did not regard that statute as good law. In comment upon it the special committee of the Assembly of the Bahamas, in their report referred to above, had this to say:

> That the King, Lords and Commons of the realm have the Power to do what they please within, or even beyond the limits of that realm, certainly cannot be questioned, so long as they have a physical force at command, competent to support their pretensions. But whether Parliament hath or ever had that power as a matter of "Right", involves a Constitutional Question, on which the opinion even of Parliament itself was the opinion only of a party concerned, assuming authority to decide in its own favor.[3]

[1] Jordan, *op. cit.*, p. 57. See also Marryat, *Thoughts on the Abolition of the Slave Trade*, etc., p. 180.

[2] *Journals of the Assembly of Jamaica*, vol. XII, p. 784.

[3] Bahama Islands, Journal of the House of Assembly, Dec. 15, 1815; C. O. 26:19. No less a personage than Lord Chancellor Camden, speaking against the Declaratory Act when it was before the House of Lords, said of it that it was a bill "the very existence of which is illegal, absolutely illegal, contrary to the fundamental

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The constitutional doctrine set forth in the Declaratory Act, the committee continued, had been resisted by those against whom it was directed, and they suggested that if any regard was to be paid to the arbitrament of arms, the judgment of Parliament in this case might be considered as reversed.

Where supporters of the Registry Bill found in the Renunciation Act of 1778 evidence that Parliament still retained general legislative authority over the colonies, some of its opponents professed to see in it a relinquishment of the claim to such authority. In the resolutions of the legislature of Dominica, referred to above, it was declared that even if Parliament had previously possessed the right to legislate internally for the colonies, that right "was solemnly renounced by His Majesty, with consent of Parliament, in the year 1778".[1] Jordan expressed what must have been in the minds of those who framed this resolution when he said that the purpose of Parliament in claiming for itself the general right of legislating for the colonies had been "to support a claim to the particular right of taxation", and that the general claim "was fairly considered as abandoned" when in 1778 the particular claim was given up.[2]

The contention was advanced on behalf of the West Indies that their relation to Great Britain was identical with that of Ireland to Great Britain before the Union of 1800. In 1719, in a statute from which the Declaratory Act of 1766 was copied,[3] Parliament had declared its right to bind Ireland in all cases whatsoever, but in 1782 it repealed this enactment.[4] Some of the Irish leaders, however, not content with a mere repeal, insisted upon an explicit renunciation of the right asserted in 1719. They had their way, and in 1783 Parliament declared and enacted: "That the said right claimed by the people of Ireland to be bound only by laws enacted by his

laws of nature, contrary to the fundamental laws of this constitution, a constitution grounded on the eternal and immutable laws of nature." *Parliamentary History*, vol. XVI, 178.

[1] C. O. 74:12.

[2] Jordan, *op. cit.*, p. 57.

[3] 6 Geo. I, c. 5.

[4] 22 Geo. III, c. 53.

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Majesty and the parliament of that kingdom, in all cases whatever, . . . shall be, and it is hereby declared to be established and ascertained for ever, and shall, at no time hereafter, be questioned or questionable."[1] Thenceforward until the Union, Ireland was undoubtedly independent of the British Parliament, in external as well as in internal affairs.[2]

The alleged analogy between Ireland and the colonies was emphasized especially by Jordan, who undertook to show that the principle of the Renunciation Act of 1783 applied to the latter. He said that this act conceded to the people of Ireland, "the right claimed by them of being legislated for only by their own Parliament, declaring it to be a right, established and ascertained for ever, and thus establishing and ascertaining it for ever, for all the dependencies and Colonies of Great Britain similarly circumstanced."[3] He was probably correct in his opinion that the Act of 1783 did not create a new right in the Parliament of Ireland, but, rather, declared and established an old one. He cannot, however, be said to have proved, that the colonies and Ireland were "similarly circumstanced". If they were, it might properly have been asked, by what right could Parliament legislate externally for the former, as the West Indians admitted that it had a right to do, after it had renounced all claim to do so for the latter? Jordan's statement that Parliament had the right to regulate the external commerce of the colonies because Britain ruled the ocean will scarcely commend itself to constitutional lawyers.[4]

[1] 23 Geo. III, c. 28.

[2] Lecky, W. E. H., *A History of Ireland in the Eighteenth Century*, new ed. vol. II, p. 332.

[3] Jordan, *op. cit.*, p. 56.

[4] *Ibid.*, pp. 68–69. The West India argument, I believe, would have been stronger if it had gone further. With regard to Parliament's relation to the American colonies, Franklin wrote in 1768: "The more I have thought and read on the subject, the more I find myself confirmed in opinion that no middle doctrine can be well maintained; I mean not clearly and with intelligible arguments. Something might be made of either of the extremes: that Parliament has a power to make *all laws* for us, or that it has a power to make *no laws* for us; and I think the arguments for the latter more numerous and weighty than those for the former." The West India distinction between internal and external legislation was distinctly a "mid-

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VI

The question of whether the Registry Bill was in violation of the Renunciation Act of 1778 depended upon whether the payments and fees for which it provided were to be regarded as "duties, taxes or assessments" in the meaning of that statute. On this point the West Indians were most emphatic. According to the report approved by the Assembly of the Bahamas, the expenses of the registry were to be defrayed by "a direct tax on the poll of every slave, . . . throughout every plantation and settlement in the West Indies; to be collected triennially under the name of fees; fees for entries, fees for certificates, fees for copies of entries, fees on affidavits, fees for searches, and numberless other incidents officially connected with the proposed system." These fees, by whatever name they might be called, and whether the money collected was to go into the treasury or into the pockets of the registration officials, would constitute, the report said, "a direct internal tax".[1]

In Jamaica it was estimated that the expense of the original registry in that colony alone would exceed £40,000, to say nothing of the cost of travel which registrants would have to bear.[2] The legislature of Dominica protested against the burden of "direct taxation" which the bill proposed to lay upon the island, and the legislature of Tobago held that it could not be reconciled with the Act of 1778.[3] The abolitionists were evidently unable to convince the Government that the West India argument respecting the fiscal character of the bill was entirely fallacious, for Lord Bathurst, in his circular dispatch to the West Indies, referred to above, said that "if some clauses of the Slave Register Bill, as it was introduced at the close of the last Session, transgress the limits which Parliament

dle doctrine"; and by conceding to Parliament a right to regulate the external commerce of the colonies, Jordan virtually refuted his own contention that they were in a position, relative to Parliament, analogous to that of Ireland after 1783.

[1] Bahama Islands, Journal of the House of Assembly, Dec. 15, 1815; C. O. 26:19.

[2] *Journals of the Assembly of Jamaica*, vol. XII, p, 785.

[3] Dominica, Journals of the House of Assembly, Feb. 14, 1816; C. O. 74:12. "Report of the Joint Committee", cited above, C. O. 285:21.

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prescribed to itself by that Act [i. e., the Act of 1778], no difficulty would arise in making such alterations as would obviate that objection, and leave the Bill equally efficient." [1]

VII

The episode that has been discussed resulted in a virtual victory for the West Indies. It is true that the validity of their constitutional claims was not conceded—on the contrary, it was denied—by the British Government and Parliament. But the withdrawal of the Registry Bill was a greater victory for the West Indies than the repeal of the Stamp Act had been for the continental colonies, for this latter, it will be remembered, was accompanied by a statutory declaration of the unlimited sovereignty of Parliament over the colonies. It is not strange, therefore, that the West Indian claims were reasserted from time to time after the passing of the agitation over the Registry Bill.

They reached their culmination in 1838, when Parliament, in the interest of the former slaves in the West Indies, passed two acts, the first to amend the Emancipation Act of 1833, and the second to regulate the administration of West Indian prisons. The Assembly of Jamaica declared the former to be "illegal", "unconstitutional", "subversive of English law" and "dangerous to the integrity of the empire". In response to the latter it went further and, not content with nullifying the statute by declaring that it did not have the force of law in the colony, resolved to abstain from the exercise of its legislative functions until the British Government should make known whether the inhabitants of Jamaica were to be treated as British subjects or as a conquered province. In consequence of this legislative "strike", Parliament empowered the Governor and Council, without the concurrence of the Assembly, to reenact necessary laws that had expired. Thanks to the tact and forbearance of the Governor, the Assembly was induced to resume its functions, though without conceding the right of Parliament to legislate in the internal affairs of the island. Indeed, the con-

[1] C. O. 29:30.

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stitutional claims of the West Indies do not seem to have been abandoned until their assemblies were abolished in the third quarter of the nineteenth century. Until a time as recent as this did the doctrine of the American Revolutionists, that Parliament was not a sovereign legislature but was bound by fundamental law, survive in the British Empire.

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ELECTORAL REFORM AND ORGANIZED CHRISTIANITY IN ENGLAND II*

THE attitude of the "High Church Party", concerned in the "Oxford Movement", to the liberalism of post-Reform Bill days, is set forth clearly in a tract published in 1840, wherein most of the reform schemes of the period are ascribed to the devil's efforts to bring about an apostasy of the Church of Christ. The tract contains such paragraphs as the following:

> He promises you civil liberty; he promises you equality; he promises you trade and wealth; he promises you a remission of taxes; he promises you Reform. This is the way he conceals from you the kind of work to which he is putting you. He demands you to rail against your rulers and superiors . . . he offers you knowledge, science, philosophy, enrichment of mind. He scoffs at times gone by: he scoffs at every institution which reveres them.[1]

These "vain promises" were said to be characteristic of the "times of Anti-Christ" to which the Oxford Movement was unalterably opposed. The movement found a powerful ally in a new party which had been recently founded known as "Young England." It was hoped that what the Oxford Movement was doing for the Church, Young England would do for the State.[2]

Disraeli was fond of referring to the Young England movement as the "Tory Democracy."[3] In secular politics the Young England Party would abolish class legislation, would recognize the authority of public opinion, and would restore to the Sovereign his lost prerogatives, with the object of attaining progress without changing the form of government.

*Part I of this article appeared in the POLITICAL SCIENCE QUARTERLY for September, 1924, vol. XXXIX, no. 3, pp. 485-499.

[1] *Tracts for the Times*, no. 83, pp. 13 and 14.

[2] *Edinburgh Review*, vol. 81, pp. 504-5.

[3] Disraeli, *Sybil*, pp. 314 and 489.

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In ecclesiastical matters the new party proposed to restore the Church to its mediæval position of being free from the state. Ritual was to be emphasized; attention was to be paid to democracy and to friendship for the people. In Disraeli's Chartist novel *Sybil*, the attitude of the Young England group of politicians is clearly and vividly expressed. To the new party the social question was of paramount importance, and the leaders were greatly moved by what, in their opinion, were the two great evils of the period, viz., the oppression of the Church, and the degradation of the people.[1] Disraeli's opinion was that the workers, as a class, were entitled to certain privileges, in common with the other classes of society in England. He declared that: "the rights of labour were as sacred as those of property; that if a difference were to be established, the interests of the living ought to be preferred . . . the social happiness of the millions should be the first object of a settlement, and if this were not achieved, thrones and dominions, the pomp and power of Cross and empires, were alike worthless."[2] Disraeli would "bring back strength to the Crown, liberty to the subject," and, in his opinion, "power has only one duty; to secure the social welfare of the people".[3] He would bring about the prosperity of the people not by extending the franchise, but by educating the wealthy and the Churches to a realization of their duty. He had great sympathy for the poor and oppressed, but he had no faith in Chartism as a means of ameliorating their condition.

Although the combination of the energies of the state and of the High Church Party resulted in a beginning of social activity and of philanthropic work similar to that which accompanied the Methodist revival, this was not exactly what the Chartists desired. The *Times*, which was the leading organ of the Young England Party, was hated bitterly by the Chartists. There was, however, a superficial similarity which existed between the ideas of one group of Chartists and those held by

[1] Disraeli, *Sybil*, pp. 67-9.

[2] *Ibid.*, p. 337.

[3] *Ibid.*, p. 315.

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the followers of the Oxford Movement and the Young England Party, viz., in the futile endeavor to restore the "good old days" and the continuous retrospection which bound, in some measure, a section of the Chartists to the two aristocratic movements in the Church and in the state. On the whole their conception of Christian worship, as exemplified in their religious dogma and in the Chartist Churches, was the antithesis to that of the Oxford Movement and of its allies in Parliament, while the High Churchmen, who were looking for a revival of an idealistic mediævalism, sought a solution of the social problem in a return to the conditions of the past. Another branch of the Church of England, with a different point of view, entered the arena of social politics. This section of Episcopalianism was the Broad Church Party, the leaders of which were prepared to accept the modern developments which were taking place in science and in democracy with the object, if possible, of bringing them into line with revealed theology.[1]

In the opinion of J. F. D. Maurice, the real struggle of the period was between atheism and Christ, while Kingsley was apprehensive that in the approaching struggle and social crisis, "religion, like a rootless plant, may be brushed away in the struggle."[2] The Broad Churchmen directed their activities toward an attempt to reconcile science and religion and to convert the freethinkers to Christianity. The inevitable alliance of liberalism in politics and in religion, however, eventually drew the attention of the Broad Church leaders to the social problem, for the "threatening danger of English life was the identification of all social change with extreme radicalism in religion."[3]

An ardent band of co-workers, known as "Christian Socialists", among whom were Charles Kingsley, Archdeacon Hare, J. M. Ludlow and Thomas Hughes, had been considering for some time the best method of approaching the workers, when the revolution of 1848 on the Continent, and the renewed

[1] Charles Kingsley, *His Letters and Memories of his Life*, vol. I, p. 141.

[2] *Ibid.*, p. 142.

[3] Hall, *Social Meaning of Modern Religious Movements in England*, p. 182.

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activity of the Chartists at home, gave them an opportunity which they seized at once. This group published a periodical entitled *Politics for the People*, the first number of which appeared on May 6, 1848.[1] Maurice and Ludlow were the joint editors. The object of the paper was declared to be "to consider the questions which are most occupying our countrymen at the present moment, such as the extension of the franchise."[2] In this journal letters were published from Kingsley ("Parson Lot") emphasizing the peril of mistaking false for true freedom, and of preferring material to ultimate well-being.[3] Physical-force Chartism was denounced; and the demand for universal suffrage by "men who had neither education nor moral self-government to qualify for the vote" was opposed rigorously.

The Broad Churchmen had two alternatives to offer to the workers in lieu of the Charter, viz., education and cooperation. F. W. Robertson's advice was "reform yourselves and institutions will reform themselves;"[4] while Kingsley's advice was: "workers of England be wise and then you *must* be free, for then you will be *fit* to be free."[5] The emphasis laid by the leaders of the Broad Church Movement was upon reform of the citizen rather than of the government.

It was with a view to discovering a more immediate method of relieving the needs of the people, that a group of Broad Churchmen led by Maurice, Kingsley, Ludlow, Mansfield and Hughes, proposed to establish cooperation among the workers. They endeavoured to organize the trades into cooperative societies on a Christian basis.[6] A beginning was made with the tailors in 1850, and several other societies were formed "on the brotherly and Christian principle of cooperation."[7] Kingsley

[1] Kingsley, *op. cit.*, vol. I, p. 162.

[2] Raven, *Christian Socialism*, p. 111.

[3] *Ibid.*, p. 113.

[4] Brooke, *Life of Robertson*, p. 748.

[5] Kingsley, *op. cit.*, vol. I, p. 157.

[6] Raven, *Christian Socialism*, p. 155.

[7] *Ibid.*, p. 151.

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and Ludlow were the "firebrands of the movement", and exercised much influence on public opinion but suffered bitter persecution for their views.[1] Although cooperation has made great progress in England, these particular organizations disappeared soon after their inception. Their work having been accomplished, they ceased to be necessary after the passing in 1852 of Slaney's Act, which legalized the formation of "Industrial and Provident Partnerships" and thus gave to the whole cooperative movement its status.[2]

The influence of the Broad Church Movement upon the social life of England was important. By assisting the workers to find a solution for their doubts as to religion, and by demonstrating that the Church took a genuine interest in the spiritual and social welfare of the people, it retained or regained many of the workers for Christianity. It has been asserted that the Broad Church Movement infused into the institutions of Owen the inspiration of a religious altruism, and that by infecting the spirit upon which socialism throve with "a deep distaste for either sharply-cut class lines or of intensely dogmatic positions," it greatly hindered the development of a strong socialistic party in England.[3]

To the Chartist Movement after 1848 the Broad Church Movement contributed indirectly by bringing about a better understanding between the various classes of society, and by preparing the English worker, through education, for the ultimate realization of many of his aspirations.

The Wesleyan-Methodists appear to have been very consistent in their opposition to the Chartist Movement. As mentioned above, in 1886 the Wesleyans had laid down the principle that for a Wesleyan minister to do anything in furthering the "purpose of party", was to act "contrary to his peculiar calling and solemn engagement as a Methodist preacher."[4] In addition, the attitude of the Chartists in regard to ecclesiastical

[1] *Ibid.*, ch. iii.

[2] *Ibid.*, p. 300.

[3] Hall, *op. cit.*, p. 204.

[4] *New History of Methodism*, vol. I, pp. 402 and 416.

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and religious matters was unacceptable to the Methodists. If the democracy of Chartism was to be condemned, how much more was its heterodoxy. The official pronouncements of Wesleyan-Methodism as to the Chartist Movement are to be found in the early pastoral letters addressed to the people and signed by the president and secretary of the Conference. Although Chartism, as such, is not mentioned by name, the implications are unmistakable. In these letters the Methodists are urged repeatedly to keep clear of political agitation, and to remain loyal to the Throne, to beware of democratic innovators, and are assured that "the only effectual remedy for the ills and sufferings of our fallen world and of our unhappy country is to be found in the glorious Gospel of the Blessed God."[1] *The Watchman*, a newspaper, was commenced in January, 1835, with Dr. Sandwith as editor. It was not an official publication; but for many years it accurately represented Wesleyan-Methodism and exercised strong influence upon it as an organ of literature and thought, as well as of defense of polity and policy; it combined dissemination of information and news. Its strong Conservative temper cannot fairly be omitted from any estimate of the forces of the times.[2]

Although the membership of the Non-Conformist bodies, other than the Wesleyan-Methodists, was regarded as largely bourgeois, there appears to have been evinced, by both pastor and people, a more tolerant attitude in regard to the proposals for the extension of the franchise, than that which was evinced either by the State Church or by the Wesleyan-Methodists. One of the most significant factors in the problem of the relation between the Chartist Movement and organized Christianity, was the cooperation of a large number of Non-Conformist ministers in the holding of a "Complete Suffrage" Conference in 1842. Recognizing that the workers had been alienated from the Church of England, and that there was a grave danger of their regarding the Non-Conformist Churches as their opponents, a number of the Non-Conformist ministers declared that the only

[1] *Minutes*, vol. II, p. 501.

[2] *New History of Methodism*, vol. I, p. 429.

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way in which the masses could be saved from the drift towards infidelity was by sympathising with them in their efforts to secure an extension of the franchise. Although almost all the leading Congregationalists were Russellite Whigs, and as such were satisfied with the Act of 1832,[1] a few Congregationalists in London decided to establish a weekly newspaper in London "having for its aim the faithful and persistent exposition of the principles of civil and religious liberty."[2] Consequently, on April 14, 1841, there appeared the first issue of *The Non-Conformist*, under the editorship of Edward Miall, who developed rapidly into one of the most brilliant journalists of that period. Although established chiefly with the view of giving expression to the Disestablishment Movement, *The Non-Conformist* soon became the exponent of Liberalism in all its ramifications. Miall conceived it to be his duty, as the advocate of the principles of civil and religious equality, to aim at a reconciliation of the middle and lower classes upon the principal "point" in the People's Charter, viz., the extension of the suffrage.[3] The question of the suffrage was dealt with vigorously in a series of brilliant editorials, and the influence of the journal grew to be so considerable that eventually it became the official organ of the "National Complete Suffrage Union."

In April, 1842, a Conference met at Birmingham, and continued its sittings for four days, its object being "to put an end to class legislation." Joseph Sturge presided: the principal Chartist leaders, Lovett, O'Brien, Henry Vincent, Collins, together with Bright, Miall, Solly, Sharman Crawford, M. P., and leading politicians delegated by public assemblies from all parts of the Kingdom, were present and took part in the proceedings. An attempt was made by some of the more extreme members to insist upon "the Charter, the whole Charter, and nothing but the Charter"; but more moderate counsels prevailed, Miall taking a firm stand in his contention for the abstract principle of the suffrage as a right, and deprecating the

[1] Dale, *Hist. of Congregationalism*, p. 636.

[2] Miall, *Life of Edward Miall*, p. 38.

[3] *Ibid.*, p. 74.

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introduction, at that stage, of details which would distract rather than consolidate the energies of practical reformers. Before the Conference closed, a formal resolution was passed recording "the heartfelt gratitude of this Conference to Mr. Miall, editor of *The Non-Conformist*, for his powerful advocacy of their principles."[1] During the year 1843 unmistakable signs of a political awakening appeared among Dissenters, and this result was confessedly attributable in no small degree to the influence of Miall's writings. There was, in fact, a new school of politicians growing up, whose members were distributed pretty generally throughout society, and although comparatively few in number, were united and resolute in action. They wielded an influence extending beyond the particular communities to which they were attached. The singleness of aim, the stability and earnestness of purpose manifested by them in the various movements for promoting the principles of civil and religious equality, had won for them the confidence of the more intelligent of the working classes, and made them a power in the body politic.[2] "There exists in this country," Miall wrote in 1843, "an amount of feeling and determination which, when drawn to one common centre, will constitute a formidable power."[3]

Although warmly welcomed and quoted frequently by the Chartist Press and by Liberal papers, *The Non-Conformist* met with great opposition in religious circles.[4] In the *Eclectic Review*, edited by Dr. Price, Miall found an ally, inasmuch as the *Review*, while not professing such advanced views as *The Non-Conformist*, placed itself unhesitatingly on the side of both political and religious reforms. The aim of Dr. Price "was to win the mass of the people by advocating their cause in relation to political rights."[5] The *British Quarterly Review* was established with a view to counteracting the influence of the *Eclectic Review*.

[1] Miall, *Life of Edward Miall*, pp. 84, 85, 86.

[2] *Ibid.*, pp. 88 and 89.

[3] *The Non-Conformist*, vol. III, p. 309.

[4] Miall, *op. cit.*, p. 54.

[5] Waddington, *Congregational History*, p. 578.

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Of all the Non-Conformist denominations, with the possible exception of the Unitarians, the Baptists would seem to have evinced the most sympathy with the democratic schemes of the Chartists, a great number of the Baptists being regular readers of the *Eclectic Review*. The participation of Roman Catholicism was always casual and incidental, and was never in any way general or official. The Society of Friends, in proportion to their membership, had surpassed all denominations of English Christians in their social philanthropy. While the leaders of the Society did not feel free to be regarded as associated with those who desired revolution in the government of the country, a number of individual Quakers, e. g., Joseph Sturge, John Bright and George Binns, were keen advocates of democracy.

In the study of the relation which subsisted between the Chartist Movement and organized Christianity in England, the chief facts appear to be: First, that none of the denominations seemed able to break away from the prejudices and point of view of the classes which it represented, or to understand the attitude of the Chartists who believed that Christianity was properly concerned in obtaining for them what, in their opinion, they considered were their just rights and an opportunity for helping themselves. Such cooperation and sympathy as the movement received was derived mainly from the small group of ministers referred to above, who believed either in democracy for its own sake, or had become convinced that it was the duty of all Christians to assist in the political emancipation of their fellow-men.

Second, the Chartists were the leaders in their day and generation of a movement not only for reform in the government of the country, but also in the Church, for reform in education, for teetotalism, for pacifism, for the abolition of the death penalty, for direct taxation and for many other principles which in the twentieth century either have been accepted without question, or remain as legitimate objects of attainment.

Organized Christianity, for reasons which were sufficient to the leaders thereof, refused the leadership of the people in political and social reforms. For this reason it became necessary for the workers themselves to bear the burden of leading

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the struggle for the emancipation of the workers and for their admission to full electoral power. Although, as will be shown below, the Free Churches during the past fifty years have evinced an increasing interest in social legislation, and although many individual ministers have taken an active participation in politics, organized Christianity, as a whole, has kept aloof from workers' organizations for reform. One result of this policy has been the formation of the Independent Labor Party, the influence and power of which has increased and is steadily increasing.

The Bill of 1866 and the Reform Act of 1867 were preceded by many expressions of opinion by leaders of the various bodies of Christians. The records of these opinions all go to show that at that date the denominations had not in the main departed from the principles laid down by the founders of the several systems.

The Church Congress seems to have given no consideration to the current controversy; but the view of the Church of England in regard to the reforms proposed by Gladstone and Disraeli is illustrated by the attitude adopted toward reform by Lord Shaftesbury[1] who may be regarded fairly as a representative Anglican of his day and generation. Having warned the House of Lords that the career upon which it had entered in adopting the lodger franchise and household suffrage was disastrous, on July 16, 1867, Shaftesbury endorsed his opinion that this tended inevitably to the establishment of democracy. Direct democratic violence, he said, was not to be feared. The changes would be brought about by "stealthy progressions of legislation."[2]

According to Professor Dicey, the leaders of the Evangelicals in the Church of England during the fifty years following the passing of the first Reform Bill exercised great influence in the country: in the main they supported the Tory governments of the day.[3] By 1867, however, the Tory attitude of this section

[1] He voted with the Bishops against the First Reform Bill, as he feared that its passing would lead to the overthrow of the Church of England.

[2] Hodder, *Life of Shaftesbury*, vol. III, p. 220.

[3] Dicey, *Law and Opinion in England*, p. 330.

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of the Church seems to have become greatly modified, for in *The Christian Observer* for May, 1867, the result of the division on Gladstone's celebrated amendment of May 11th as to the compound-householder was regarded as a "happy deliverance"; and pleasure was evinced at the prospect of "a moderate reform" free from dangerous extremes on either side.[1] In the September number it was stated that "it is not without a degree of satisfaction that we see a large addition made to the number of those who are now invited to take a share in the duties and responsibilities of electors."[2]

The view of moderate members of the Church of England as to Reform is recorded in *The Christian Remembrancer* for 1866. The claim to interpret the political sense of the nation was expressed as follows: "If the people of England were polled tomorrow, the result we are persuaded would be that no great change is desired. The working classes are already well represented and utter no complaints. Although our system is by no means perfect, yet, upon the whole, it very fairly reflects the sense of the nation."[3] Great satisfaction was expressed at the proposal to give the vote to the Masters of Arts of the University of London.[4] In the June issue of the journal the comment was that on several points the Reform Bill "would give no relief or satisfaction to Dissenters", and that it was "rather injurious than otherwise to the Church of England."[5] In September of the same year it was alleged that "our working class is in general in full employment, and, whenever this is the case, they do not care to meddle with politics."[6] In November, the demand of Mr. Bright and his followers for household suffrage was described as "extreme folly", inasmuch as household suffrage would "throw the representation entirely into the hands of the working class."[7]

[1] *Christian Observer*, May, 1867, p. 411.

[2] *Ibid.*, Sept. 1867, p. 741.

[3] *Christian Remembrancer*, Feb. 1866, p. 158.

[4] *Ibid.*, May, 1866, p. 399.

[5] *Ibid.*, June, 1866, p. 479.

[6] *Ibid.*, Sept. 1866, p. 722.

[7] *Ibid.*, Nov. 1866, pp. 882-3.

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From the writings of some of the Non-Conformist leaders it would appear that on the part of the Congregationalists at least there was a definite expression of opinion in favor of reform of the method of the representation of the people. The early history of Congregationalists is the history of the Independents: and it was from among these that Cromwell received most of his support in his fight for civil and religious liberty. One famous Congregational minister (Dr. Guinness Rogers) departed so far from the principles of non-participation enunciated at the Congregational Conference of 1841 as to advocate that Christians should take an active interest in politics. He said:

> There is a fundamental difference between a political Christian and a Christian politician—the difference in fact, as to the central principle by which a man is governed. I was brought up in the belief that a Christian should carry his religion into every part of his life; that, being a citizen, his service to God should govern his civic as much as his personal, his domestic, or his commercial life. Hence, being a Dissenter, I could not help being a political Dissenter, and I have never felt that I was dishonouring my religion by making it the central force of my life as a citizen.[1]

In this attitude Guinness Rogers was supported by another celebrated Congregational leader (Dr. Dale), who said: "I feel a grave and solemn conviction, which deepens year by year, that in a country like this, where the public business of the State is the private duty of every citizen, those who decline to use their political power are guilty of treachery both to God and to man."[2] Upon another occasion the same leader said:

> Christianity taught mankind that every individual citizen has rights which are sacred, and which the State, whatever its constitution, cannot evade without guilt. . . . I have therefore heard with great concern the principle thoughtlessly asserted that where the suffrage is universal, no man's freedom is injured by any law which the majority may choose to pass. That principle destroys the very foundations of liberty.[3]

[1] *Autobiography of Dr. Guinness Rogers*, p. 189.

[2] Dale, *Life of Dr. Dale*, p. 250.

[3] *Op. cit.*, p. 262.

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Dale did not hesitate to engage in current political controversy, for when Disraeli, in introducing his Reform Bill, stated that he regarded the franchise as a popular privilege and not a democratic right, Dale combatted that declaration, and said:

I will tell you why I think the franchise to be a popular or democratic right. Our theory of representation is that it is intended to afford by peaceful and constitutional means a secure protection to the interests of all classes of the community. . . . The franchise is intended to afford the people a peaceful and legal control over the action of the legislature and the executive: and I contend that the people—all classes of the people—have a clear right to this control, and that therefore the franchise is not simply a privilege granted by the legislature, but a necessary check on the legislature imposed by the people. . . . The franchise touches no man's life—destroys no man's property, and if you prevent four-fifths of the people from asking for legal influence in the public life and action of the country, you compel them to resort to other means of self-protection. Deny the people the franchise, and the right of revolution still remains. Deny the people the franchise, and they are driven to secret conspiracy or to a display of their overwhelming physical force. Those who would deny the people the franchise must take their choice between the hustings and the barricade. If they take from the people the peaceful weapon by which they desire to protect their interests, they still leave to the people, be it remembered, the pike and the rifle. I say this, not because I think we are near a time when a resort to force will be necessary, but because I think that in times of peace we should effect such constitutional changes as shall render political excitement needless in times of public disaster.[1]

If the views of these two divines were acquiesced in by the rank and file—as it seems was the fact—there must have been a rapid development in doctrine since the Conference of 1841 recorded its opinion that the redress of civil grievances was not the business of Christians.

As soon as the Reform Act of 1867 had been passed by Parliament, the leaders of the Liberal Party in Birmingham arranged for a series of lectures dealing with the political and social questions by which the new electors were likely to be

[1] *Ibid.*, pp. 255-6.

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most affected. Dale undertook to deliver the first of these addresses, and in *The Politics of the Future*[1] he discussed the principles and the aims that should determine the political action of the newly enfranchised electors.[2]

The Congregationalist was not the only body which contained among its leaders men who held that it was lawful and right for Christians to engage in politics, for soon after the passing of the Reform Act of 1867, Marmaduke Miller (a leading Methodist) supported Dale and Maclaren in publicly advocating the further reform of Parliament.[3]

The position of the Society of Friends in regard to the second great movement for Reform can not be gauged accurately from the attitude of John Bright, because the political activities of the latter were incompatible with an active participation in the corporate life of the Society. There is no evidence to show that the leaders of the Society still believe that Christians ought not to participate in "worldly politics". The Society of Friends has always been drawn to the social rather than to the political side of Liberalism, and it is not unfair to say that its entire environment tends rather to foster the Conservative temperament. John Bright had certain Conservative elements in his nature, and probably they had been strengthened by his training. At all events, Bright was, in the true sense of the term, a Conservative.[4]

The modern attitude of the organized bodies of Christianity in regard to Reform may be said to date from or about the popular movement for the extension of the franchise which resulted in the Acts of 1884 and 1885, and which found its greatest expression in the Act of 1918. While the Church of England, as a body, has remained consistently loyal to the ideal of benevolent aristocracy, and while close association between the Established Church and the State necessarily precludes

[1] *The Politics of the Future:* a lecture to the new electors delivered in the Town Hall, Birmingham, on Tuesday evening, 19th November, 1867.

[2] Dale, *Life of Dr. Dale,* p. 256.

[3] *New Hist. of Methodism,* vol. I, p. 548.

[4] *Autobiography of Dr. Guinness Rogers,* p. 250.

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much liberty of thought on the part of loyal members of the Anglican Church, there seems to be divided opinion within the Establishment on the question whether the clergy should take a direct or an indirect interest in politics. This accounts probably for the apparent reluctance of the Church Congress to discuss political questions.

A perusal of the *Official Reports* of the Church Congress has shown that only occasionally has any reference been made at these gatherings to the attitude of the Church of England in regard to matters bearing on the enfranchisement of the working classes. For instance, at the Church Congress held in 1884, the author of a paper on "The Duty of the Christian Teacher with regard to Politics" stated that "the advance of democracy is spreading political responsibility more and more widely amongst the people;[1] and that while the Old Testament was the book of a nation, the New Testament was the book of the Kingdom of God, of the Universal Church, but that this gave no reason for supposing that nations had their duties in the world-embracing society".[2]

Another speaker at the same Congress (the Rector of St. George's, Bloomsbury) drew attention to the fact that the Bishops sat in Parliament as representatives of the Church; from which he inferred that members of the Church of England should interest themselves in politics.[3] Another occasion upon which political questions were considered was in 1906, when two papers were read on "The Church and Politics".[4]

The modern attitude of one section at least of the Church of England in regard to Reform is shown by the fact that in 1917 the Bishop of Worcester issued a Pastoral to his clergy commanding them to deal with a number of social-political questions on the first five Sundays in Lent. In a series of published addresses given by the Rev. H. Maynard Smith of Malvern, the

[1] *Official Report of the Church Congress held at Carlisle in September-October, 1884.* Paper by the Rector of Christ Church, Marylebone, p. 579.

[2] *Ibid.*, p. 580.

[3] *Ibid.*, pp. 584-588.

[4] *Official Report of the Church Congress held at Barrow-in-Furness in 1906*, pp. 235-258.

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view is expressed that the duty of the Church was not to engage directly in political affairs but to "leaven the world", and do her part in the purification of public life, and that she would be effective in doing so in so far as she stood apart from party politics.[1] Mr. Smith's view is that the duty of the Church is to proclaim the Gospel of Redemption.[2] On the other hand, a Canon of Westminster, writing in 1914, deplores "the rift which has opened out between the Church and the working classes of the country."[3] He says that "there is no doubt that organized Christianity in this country is to a very large extent dominated by upper and middle class tradition and sentiment and prejudice."[4]

Throughout their history the Primitive Methodists seem to have taken a more active part in social politics than many other bodies of organized Christianity with a view to uplifting the working classes among whom the chief work of this section of the Church has been done. Many Labor officials and members of the Labor Party today are active members of this denomination.

The majority of Non-Conformist bodies, however, have officially abandoned the early and mid-Victorian principles referred to in the early portion of this chapter. The Congregationalists boast that they have ever supported movements for the democratization of the franchise. The following statement by Dr. Dale is a faithful expression of the opinion of many Congregationalists today:

> God's commandments are much broader than some good people imagine, and to fulfil them properly they must surrender their whole heart and will to Him. His commandments cover your municipal life, and no devoutness can be an excuse for keeping away from the polling booth at the time of an election. If you neglect looking after property over which you are trustees, and as a result of that neglect others are deprived of a portion of that property, you com-

[1] *The Church and Social Questions*, p. 67.

[2] *Ibid.*, p. 79.

[3] Carnegie, *Democracy and Christian Doctrine*, p. 1.

[4] *Ibid.*, p. 15.

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mit a grave sin; and you also commit a grave sin if you neglect using your municipal vote, and as a result of that neglect the town is badly governed. According to the Divine Order, civil authority is necessary to the existence of civil society. Civil rulers are "ministers of God"; but they are not designated to their office by a voice from heaven. . . . (They) have to be selected, directly or indirectly, by those who possess the franchise. It is surely a part of God's service to determine who shall be God's "ministers", and for the manner in which we discharge this service we are responsible to God. Not to vote is to act the part of the unfaithful servant who hid his talent in the earth and made no use of it. To vote corruptly is felony: it is to appropriate to our own purposes what we have received as trustees for the town or for the nation.[1]

The leaders of Congregationalism have not hesitated to put their views into practice, for at the Congregational Conference held at Leeds in October, 1883, a resolution was passed in favor of two bills for the extension of the franchise, viz., the Reform Bill and the London Government Bill. Dr. Dale and other leading Congregationalists were whole-hearted supporters of an extension of the franchise to all adult males.[2]

At the first International Congregational Conference held in London in 1891, it was declared by the author of an article entitled "The Attitude of the Church to the Social Movements of our Times" that "the Church should not hold itself aloof from any questions that affect the happiness or welfare of the people."[3]

At the International Congregational Council of 1908, regret was expressed that "the progress of democracy has not been more rapid, both in relation to its end—the welfare of the people as a whole—as well as by actual achievements."[4]

The following extracts from the *Official Report* of the International Congregational Council of 1920 illustrate further the

[1] *Laws of Christ for Common Life*, p. 201.

[2] Dale, *Life of Dr. Dale*, p. 442.

[3] *Paper by Rev. Geo. Gladstone (Record of Proceedings of First International Cong., Conf., London, 1891)*.

[4] *Proc. of Third International Congregational Council*, p. 136.

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attitude of the Congregationalists towards democracy and the franchise:

Throughout its history, Independency has been true to this Ideal of political liberty. Time after time, it has fought for the vindication of these great principles—and largely through its untiring and unremitting championship most of them have now been embodied in the British Constitution. It is difficult to conceive of the development of modern democracy without the driving force which came from the faith of the Puritans. . . .

By publicly challenging the tyranny of the Stuart kings and evolving the ideal of political liberty, it set in motion forces which were inevitably bound, sooner or later, to result in the establishment of democracy. . . .

The democratic institutions of Britain and America are coloured by the fact of their Puritan origin. It was the Pauline and Puritan conception that was the foundation of both British and American democracy: it was the naturalistic conception that created the French Republic and is at the root of much of the modern movement towards democracy. . . .

On the one hand we have democracy grounded on the fact of regeneration by the Grace of God: on the other hand, we have democracy emerging from the notion that man is morally enlightened and virtuously inclined by the constitution of his natural self. According to the former view, in strict logic, only regenerated men are properly entitled to the exercise of the rights of freedom: it is suggestive to find that in some at least of the New England States the franchise was originally limited to men making a definite profession of Christian faith and discipleship. Yet the Pilgrim fathers, in their earliest manifesto on the subject, extended the full privileges of the State to some who did not make such a profession, and Congregationalists generally have advocated the extension of these privileges to all citizens alike. . . .

The world cannot be made safe for democracy until democracy is made safe for the world. And this can never be until democracy has solved the problem of how to reconcile law and liberty, order and freedom—a problem that only a redemptive and dynamic Christian-

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ity can really and ultimately solve. Only in a freedom based on the Gospel can we successfully equate rights and responsibilities, privileges and duties. This is the bedrock of Congregationalism, which is essentially not democratic but Christocratic. It sanctifies the suffrage of the people by infusing it with the authentic spirit of Christ.

The modern view within the Roman Catholic Church in regard to politics is stated in a *Manual on Christian Citizenship* issued by the Catholic Social Guild, where it is observed that "public office should be the ambition of the Catholic laity. The Houses of Parliament, Boards of Guardians . . . the magistracy — there is no office which the Christian citizen should allow to go begging if he can serve therein the public weal." [1]

While the Primitive Methodists have throughout their history consistently advocated an extension of the franchise both to men and to women, there has always been in the corpus of Wesleyan-Methodism a strong Conservative wing.

The importance of the difference of opinion among Non-Conformists is, however, minimized by the establishment in 1896 of the National Council of the Evangelical Free Churches with the object of uniting the Non-Conformist Churches, so as to present to the nation a united expression of opinion upon all matters which affect the life of the people. One of the objects of the Council is "To promote the application of the law of Christ in every relation of human life." [2] In accordance with this idea the Council has encouraged the active participation of Christians, individually and corporately, in the government of the country.

The development of Free Church opinion is indicated in the following references to the records of proceedings at the National Conference:

At the Second National Council held in London in March, 1897, John Bright was eulogized as an ideal Christian politician, as he put conscience before Party. The view was expressed that in the oft-

[1] *Christian Citizenship*, pp. 75 and 76.

[2] *Constitution, II,* (e).

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cited doctrine of the Christian's citizenship being in heaven and that he must not therefore exercise the franchise was "impracticable and detrimental to the cause of national morality and righteousness". The duty of Christians was declared to be "to educate the conscience of the nation by means of the pulpit, the press and the platform". The franchise should be exercised as an "integral part" of Christian service.[1]

Not only are resolutions passed at each Annual Council on "Public Questions" but advice is tendered to members of the Free Churches as to the manner in which they should vote at Parliamentary elections.[2]

At the National Council in 1909, the attitude of the Free Churches towards politics was expressed in the following words: "It is possible to combine intelligent interest in the citizenship and politics of your time and yet to conserve the highest note to Christian saintliness."[3] Reference was made to the "coming day when all the kingdoms of the world, the kingdom of art, the kingdom of industry, the kingdom of commerce, and the kingdom of politics, shall be the kingdom of our God and of His Christ."[4]

In 1912, the President of the Free Church Council declared that: "Free Churchmen are loyal to the Crown and Constitution of the country. They accept to the full the duties of citizenship, and they claim the rights and privileges which it confers."[5]

At the National Council of 1912, an address was given on the "Position of Women in Public Life", in which the enfranchisement of women was advocated. The Council did not pass a resolution on the subject; but it was clear that the views expressed in the address were representative of those of most Free Churchmen.[6]

[1] *Proc. of 2nd Nat. Council of Evangelical Free Churches*, pp. 223-228.

[2] *Free Church Year Book, 1905*, p. 23 *et passim*.

[3] *Ibid.*, p. 31.

[4] *Ibid.*, p. 35.

[5] *Free Church Year Book, 1912*, p. 4.

[6] *Ibid.*, pp. 107-112.

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The view of an important section of organized Christianity today is set forth clearly in the Student Christian Manual *Citizenship*, where it is stated that one of the chief duties of the Christian is to vote, as the "vote is a sacred trust to be used faithfully and thoughtfully by every man and woman entrusted with its power." Every Christian is exhorted "to watch the progress of electoral Reform" and to see that he or she "claims the franchise rights to which he or she may be entitled."[1]

At a representative conference of leaders of organized Christianity held at Norwood soon after the armistice, it was agreed to declare as the opinion of the conference that "a social order worthy of a brotherhood of Jesus will only become an actual achievement if Christian men recognize politics—in both local and central government—not merely as a legitimate, but as an inevitable, sphere for their thought and activity. There is nothing unclean about politics . . . what politics need is the breath of the Spirit of God."[2]

The object of an important body of Free Churchmen (The Free Church Fellowship) is the establishment of the Kingdom of God upon earth by means of an active participation by Christians in local, national, and imperial politics.[3] From the same source it is announced that "the Church ought also to witness *more directly* to the right in local affairs and to oppose wrong."[4]

A survey of the facts set out in this article shows that in the early days of the Methodist Revival and of the renaissance of other Non-Conformist denominations during the first quarter of the nineteenth century, the general rule was that members of the various Christian Churches were exhorted not to participate in political activities. The Church of England, except in a few isolated cases, seems consistently and officially to have opposed all efforts for the democratization of the constitution. Not only did a majority of the bishops vote against the Reform Bills of

[1] Matheson, *Citizenship*, p. 122.

[2] *On the Implications of the Christian Gospel*, p. 19.

[3] *The Religion of Fellowship*, p. 10, *et passim*.

[4] *Fellowship Notes, no. 33*, par. 19.

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1831 and 1832,[1] but they supported the Tory peers in their opposition to the Parliament Bill of 1911.[2] The Earl of Shaftesbury, on behalf of the Church of England, opposed the Reform Bill of 1867,[3] but the bishops voted with the Government in 1884, as the Archbishop of Canterbury (Dr. Benson) said that "the principle" of the Bill "had been conceded long ago."[4] It may be observed, however, that both Lord Derby and Mr. Gladstone were zealous members of the Established Church. In 1902 the official representatives of the Church of England in the House of Lords opposed the clauses in the Elementary Education Bill which provided for popular representation on the management of schools, the proposals of the Government being regarded as mistaken in policy.[5]

On the other hand, the Non-Conformist bodies gradually receded so far from their original position of denouncing the participation of Christians in politics as to have taught from the pulpit and in the press the duty of Christians to vote at elections, and to do all in their power to promote social legislation. Scattered among the great Non-Conformist bodies there are today a few small groups of members who adhere to the old principles of non-participation; and there are a few independent sections of the Church the members of which still "refuse to meddle with politics."

There is a general movement towards breaking down the barrier between the Church and the world, to which so much importance was attached by Non-Conformist teachers a century ago. Even among those independent and comparatively unorganized bodies of Christians known as "Quakers" and "Brethren",[6] the members of which were in danger of ex-

[1] *Hansard*, 3d Series, vol. 8, pp. 341-2; vol. 12, pp. 459, 723, 1395.

[2] *Parliamentary Debates (Lords) 1911*, vol. 3, pp. 1090, 1164.

[3] *Hansard*, 3d Series, vol. 189, pp. 1923-1929.

[4] *Hansard*, 3d Series, vol. 290, pp. 441, 1377.

[5] *Parliamentary Debates*, 4th Series, vol. 116, p. 1069 *et seq.*

[6] Mr. J. N. Darby, one of the most influential leaders of the early "Brethren" movement, wrote: "I have no desire that they should meddle in politics: I do not do so myself, nor do I think a Christian ought. I take no side with any party: I distrust them all." (*Progress of Democratic Power—Misc. writings of J. N. Darby*, vol. I, pp. 506-7.)

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communication if they exercised the vote, there are definite signs of a departure from the old principles of non-participation in politics.

In spite of the alleged decline in the influence of the various churches, there is no doubt that the attitude of the Free Church Council and of the Anglican Church Congress has exercised and continues to exercise today an appreciable influence on public opinion. Parliamentary candidates have to reckon with the fact not only that citizens who take a lead from these representative organizations exert a considerable moral influence, but also that their combined votes in the constituencies are a formidable force which cannot be ignored.

While it is not the purpose of this article to offer a solution of the problem whether the organized bodies of Christians should or should not participate actively in movements for Parliamentary Reform, it should be observed that the facts recorded above show that there exist in the Churches today two sharply differentiated schools of thought. The one teaches that Christians should utilize their organizations for the purpose of influencing public opinion in regard to proposals for Reform of Parliament. The other school maintains that the object of Christian organizations is entirely spiritual; and that, therefore, to use such organizations for political purposes is *ultra vires*. The political history of the past hundred years shows that different sections of the Church have approached and still approach the subject of Parliamentary Reform from entirely different and apparently irreconcilable points of view.

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THE BEHAVIOR OF LEGISLATIVE GROUPS: A METHOD OF MEASUREMENT

POLITICS and sociology must be behavioristic if they are to be quantitative in method. Attitudes and motives in themselves offer a valid subject of scientific inquiry, but they are not susceptible of measurement, and the subjective bias of the investigator is invariably present to cast doubt upon his conclusions. It is only when opinions and attitudes find expression in conduct that they yield to exact analysis. The first task in creating a science of politics, therefore, is a search for behavioristic materials representative of the intangible subjective elements of political activity. The second task is to devise quantitative methods for measuring these materials.

The most tangible and measurable units of political behavior are *votes*. They are tangible because simple and precise. They are measurable, for although each is really a *gross measure* of opinion, the value of which may differ widely in different individuals, they are nevertheless assumed to have equal value and are counted and recorded officially.[1] The determination of popular attitudes by an analysis of popular votes upon a variety of issues would be the preferred method if the data were available. A few such analyses of referendum votes have been made.[2] Unfortunately for this purpose the number of issues that have been acted upon by referendum is still small. Moreover, an essential requisite is lacking in any popular vote conducted over a wide area, namely, identification of the individual votes with the individual voters.

Election returns in the aggregate—the only form in which they are usually available—must be dissected if they are to be

[1] *Cf.* the writer's note, "The Political Vote as a Frequency Distribution of Opinion", *Journal of the American Statistical Association*, March, 1924.

[2] *Cf.* for example, "The Political Thought of Social Classes", by William F. Ogburn and Delvin Peterson, POLITICAL SCIENCE QUARTERLY, Vol. XXXI, pp. 300–317; "The Referendum in Washington", by Stuart A. Rice, *Proceedings of the National Conference of Social Work*, 1923, pp. 508–510.

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of value in estimating the forces of opinion at work in the electorate. Just as biological science made no progress in discovering the laws of heredity until it dealt with unit characters, political statistics will be meaningless as refined tools or products of measurement until they enable the investigator to distinguish the votes of rural, urban and small-town dweller; Protestant, Catholic and Hebrew; farmer, laborer and capitalist; native and foreign-born in their numerous varieties. Intersecting groups such as these mould the *mores* of individuals attached to them. They determine those characteristic, habitual and largely unconscious individual attitudes that have their resultant in "public opinion" and the "popular verdict at the polls". Hence to understand the result of an election one must understand the groups in the electorate and the part played by each as a causal factor in the result. But as already pointed out, the data from which this part might be measured are largely unavailable.

A similar difficulty is not encountered in dealing with representative bodies. Roll-call votes in Congress and American legislatures are cast openly and recorded officially. But may the votes of legislators be regarded as representative of the opinions of those who select them? The correlation would obviously be imperfect, and might not even be high. Yet with full cognizance of the numerous influences tending to deflect the legislator from a normal expression of his personal attitudes, the writer contends that he is representative of the groups in the electorate to which he belongs—at least to a degree. He is representative, first, because voters tend to select men of their own "kind" to office, even though the similarity in kind may be based in the voter's "identification" of himself with the social, economic or intellectual attributes of the office-holder. The legislator is representative in a second sense, based upon the first, because he responds to legislative issues on the whole in about the same manner as would his fellow group members in the constituency. However amenable to "influence" he may be, there is a constant "strain" in the legislator's behavior toward consistency with the *mores* of his various groups. In a sufficiently large number of cases,

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this strain toward consistency with his social heritage is certain to affect any numerical indices of the legislator's behavior that may be devised. Measurements of group behavior in legislative bodies, therefore, are regarded by the writer as indicative of the attitudes of corresponding groups in the electorate. Objective tests of these *a priori* assumptions are possible and should be undertaken. Regardless of their validity, however, measurements of legislative behavior have a value in themselves, not only to the theorist but to the practical politician as well. This will be apparent in the pages that follow.

The present paper, then, has two general aims: first, to present a method for the measurement and comparison of the voting behavior of groups in legislative bodies; second, to illustrate the method by presenting the results of analysis of the cohesion and comparative resemblance of certain parties and blocs in the New York State Assembly of 1921 and in the United States Senate of the Sixty-eighth Congress. As a subordinate aim the writer hopes to add precision to a number of terms in common use in political discussion, such as "cohesion", "swing" and party "wing".

The first test that any legislative group must meet concerns its *cohesion*. Are the members of Group A in their voting behavior more like each other than are the members generally of the more inclusive Group B which includes not only A but non-A individuals as well? For example are the Republican members in a state senate more alike in their votes than are the members of the senate generally? If so, it may be inferred that they are more like-minded and the Republican group may be called more *cohesive* than the senate as a whole. Similarly it may be asked whether the Republican senators are more or less cohesive than are the Democratic senators. Or take a question still more definite: Was the tri-partisan "progressive" or LaFollette bloc in the Senate of the Sixty-eighth Congress more or less cohesive than were the various senatorial groups included under each of the formal party designations?

The writer has been able to obtain precision in answering such questions by the aid of what he has called an *index of cohesion*. This index is based upon the theory of probability.

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If roll-call votes were cast according to pure chance, the most probable result in the case of any roll call would be a division in which fifty per cent of the members voted affirmatively and fifty per cent voted negatively. It is evident that the cohesion within the entire body in such a case would be *nil*. Hence a measure of cohesion will be obtained if we determine the degree of departure from the most probable chance distribution of votes, toward complete uniformity of action, i. e., a roll call in which all members vote alike. Referring only to the percentage of affimative votes for the sake of convenience, it is apparent that zero cohesion (0.0) will be indicated by a roll call in which fifty per cent of the members vote affirmatively. Absolute cohesion (100.0) will be indicated whenever the group is unanimously either for or against a measure; i. e., when it votes either 100 per cent or 0 per cent in the affirmative. Further, an index of cohesion intermediate between 0.0 and 100.0 will be determined by the degree to which the percentage of affirmative votes departs from 50.0 in either direction toward 0.0 or 100.0. For example, when the votes of the group on a given measure are 30 per cent in the affirmative or 70 per cent in the affirmative, the index of cohesion will in both cases be 40.0, for in both there is a 20/50 or 40 per cent departure from 0.0 cohesion toward 100.0 cohesion. When the index of cohesion upon a series of roll calls is to be found, the writer has employed the arithmetic mean of the indices derived for the various individual roll calls in the series.

Allied to the problem of group cohesion, and likewise requiring measurement, are questions of the extent to which various groups are alike or unlike in their voting responses to political issues. It is useful not alone to the political scientist but to many laymen to know whether farmers and workingmen, when thrown together in a state legislature, tend to be in mutual opposition or in mutual support. If they tend to be in mutual opposition with respect to prohibition and its enforcement (as they do) are they likewise in opposition with regard to labor legislation or political reform? Or, to use the former illustration, was the LaFollette bloc in the Sixty-eighth Congress in

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closer affiliation with the regular Republican party or with the regular Democratic party? In either case, how much closer? Answers to such questions based on a "hunch" are unsatisfactory. Measurements are needed.

To place beside his index of cohesion within groups, therefore, the writer has derived an *index of likeness between groups*. The possible range of this index is likewise from 0.0 to 100.0. If, for example, all Republicans in a legislative session vote affirmatively on a given roll call while all Democrats vote negatively, it is obvious that the behavior of the two groups, so far as it can be expressed by votes, is absolutely dissimilar. One is 100 per cent affirmative, the other 0 per cent affirmative. The arithmetic difference between the percentages of affirmative votes in the two cases is 100.0. This figure thus gives an index of absolute difference in voting behavior between the two groups. If, on the other hand, Republicans and Democrats *both* divide, at the same time, 50-50, or 70-30, or 85-15, the responses of the two groups, as groups, will in each case be the same. It is to be inferred in such cases that the distribution of votes is determined by factors unassociated with party divisions, and Republicans and Democrats may be said to vote *alike* on the issue at hand. The arithmetic difference between the respective percentages of affirmative votes in each such case will be 0.0, and the complement of this figure, 100.0, will be the index of likeness. Thus the complement of the arithmetic difference between the percentages voting in the affirmative in each of two groups gives an index of likeness between them, so far as their voting behavior is concerned. The index of likeness upon a series of roll calls may again be regarded as the arithmetic mean of the indices derived for the separate roll calls in the series.

The use of the two indices will now be illustrated, first, by an analysis of roll-call votes in the New York State Assembly of 1921. This was the year of "normalcy" at its height. A number of "Lusk" bills, together with the disqualification of a Socialist member, were carried with ease by an overwhelming Republican majority in the New York Legislature.

The Assembly was composed at the outset of 150 members.

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Eight groups were selected for analysis and comparison as a result of preliminary study of the roll calls recorded in the Assembly *Journal*. These were: The Assembly as a whole, the Republicans as a whole, the New York City Republicans, the "Up-State" Republicans, the Democrats, the Socialists, the Farmers and the Labor members. It so happened that all of the members classified as Farmers or Laborites were also Republicans. Those placed in these categories were members who met certain objective documentary tests concerning occupation and residence. All of the Democrats but two were from New York City. We may classify the members as indicated in the two following tables in order to show the relationships existing between the several groups:

TABLE I

COMPOSITION OF THE NEW YORK ASSEMBLY, 1921, BY PARTIES AND TWO SELECTED OCCUPATIONS

Republicans		119
Farmers	27	
Laborites	5	
Unclassified	87	
Democrats		28
Socialists		3
Assembly as a whole		150

TABLE II

COMPOSITION OF THE NEW YORK ASSEMBLY, 1921, BY PARTIES AND LOCALITIES

Up-State Members		88
Republicans	86	
Democrats	2	
New York City Members		62
Republicans	33	
Democrats	26	
Socialists	3	
Assembly as a whole		150

Of 1296 roll calls taken during the session, all but 255 were unanimous. Out of an estimated total of 175,000 votes cast, only 7,595 or 4.3 per cent were cast in the negative. The study has been confined, therefore, to roll calls in which there were six or more opposing votes cast against the majority

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action.[1] The results of the study are presented in Tables III and IV, which follow.

TABLE III

INDICES OF COHESION WITHIN VARIOUS GROUPS IN THE NEW YORK ASSEMBLY, 1921

1 Group	2 Number in group	3 169 Roll Calls with 6 or more opposing votes	4 94 Roll Calls on "State Issues"	5 59 Roll Calls on New York City Issues	6 8 Roll Calls on Prohibition
Assembly as a whole.....	150	51.4	44.9	.....	15.6
Republicans	119	74.8	66.0	.....	44.9
Up-State Republicans	86	87.9	80.7	96.5	89.9
New York City Republicans	33	65.5	63.9	62.1	68.7
Democrats	28	77.4	73.0	79.6	100.0
Socialists.....	3	94.0	94.1	.....	71.3
Farmers	27	91.2	85.6	.....	100.0
Laborites.....	5	68.0	59.9	.....	12.5

The number of groups of assemblymen whose votes were analyzed might have been extended to include categories based on religious or other lines. Similarly, the roll calls included in the study, 169 in number, might have been classified into an indefinite number of subordinate categories. Three sub-classes of measures only are shown in Table III. "State issues" include all measures other than those of purely local character. Among 76 roll calls affecting single municipalities or counties, 59 were selected which bore upon the affairs of New York City alone. Thus roll calls upon "state issues" and "New York City issues" are referred to in columns 4 and 5, respectively.

[1] The high degree of like-mindedness indicated by the large proportion of unanimous roll calls is illusory owing (a) to constitutional specification of the occasions on which roll calls must be taken in the passage of a measure, (b) to the legislative device for evading the constitution in this respect known as the "short roll call". A short roll call is almost invariably indicated when the recorded number of votes in opposition to the majority action is ten or less. To be recorded in opposition on a short roll call, the member must rise in his seat and so request after the presumptive roll has been taken. For a precedent for disregarding unanimous and near-unanimous roll calls, *cf.* A. Lawrence Lowell, "The Influence of Party upon Legislation in England and America" *Annual Report of the American Historical Association*, Vol. I, 1901, pp. 321–542.

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In column 6 are shown the indices of cohesion for 8 roll calls affecting the issue of prohibition and its enforcement. The same classification of measures is employed in Table IV.

TABLE IV

INDICES OF LIKENESS BETWEEN VARIOUS GROUPS IN THE NEW YORK ASSEMBLY, 1921

1 Groups Compared	2 169 Roll Calls with 6 or more opposing votes	3 94 Roll Calls on "State Issues"	4 59 Roll Calls on New York City Issues	6 8 Roll Calls on Prohibition
Whole Assembly and Farmers	78.8	76.9	.....	58.1
Whole Assembly and Laborites	86.6	85.4	.....	95.1
Whole Assembly and Republicans	87.3	88.1	.....	85.3
Whole Assembly and Democrats	49.5	53.0	.....	41.9
Whole Assembly and Socialists	48.9	.....	.....	54.6
Republicans and Farmers	90.4	88.5	.....	72.5
Republicans and Laborites	88.3	86.4	.....	83.8
Farmers and Laborites	84.8	79.9	.....	60.2
Socialists and Laborites	52.9	.....	.....	56.1
New York City Republicans and Up-State Republicans	74.4	70.8	75.5	20.6
New York City Republicans and Democrats	53.0	60.6	50.9	84.5
Farmers and Democrats	.....	.....	.....	0.0
Farmers and Socialists	36.5	.....	.....	12.4
Republicans and Democrats	37.1	.....	.....	28.0

A number of conclusions might be drawn from Tables III and IV. Still others might be disclosed if a larger number of the possible comparisons of group likeness were carried through in Table IV. A few of the more significant points indicated in the tables will serve to illustrate the utility of the method:

1. The New York City Republicans, in effect, formed an intermediate party group or bloc between the Up-State Republicans and the Democrats. When all measures are taken together, this bloc of New York City Republicans was more like its Up-State party associates (74.4) than it was like the Democrats (53.0). Yet on such an issue as prohibition, its likeness with the Up-Staters was represented by the index 20.6 as compared with an index of 84.5 between itself and the

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Democrats. In cohesion, the New York City Republicans were low—65.5 as compared with 87.9 for the Up-State Republicans and 77.4 for the Democrats. This fact is suggestive of a conflict between party loyalty on the one hand, tending toward association with the Up-State Republicans, and sectional loyalty upon the other, tending toward association with the Democrats, all but two of whom represented New York City districts.

2. The Republican farmers formed a highly cohesive group (91.2) within the relatively cohesive group of Up-State Republicans (87.9). It is apparent that the common occupation is a cohesive influence. The cohesion of farmers was exceeded only by that of Socialists (94.0) who were represented a portion of the time by only two members.

3. The laborites showed relatively low cohesion (68.0) although this was probably the result of their division between the Up-State and New York City wings of the Republican party. The Republican laborites showed considerably more likeness to the Socialists (52.9) than did the Republican farmers (36.5).

4. The several groups are arranged in the same order with respect to their cohesion whether all roll calls entering the study or only those concerning "state issues" are considered. In each case, however, the cohesion of the group is less in the case of "state issues". We may infer that local issues, particularly those affecting the city of New York, promote a more uniform response within each group than do issues of more general state-wide significance. It is probable that the long-standing quarrel between the city and the Up-State districts tends to produce a more habitual response in each group whenever the issue is presented, whereas "state issues" are more likely to be considered upon their merits and hence produce a more varied response in each group.

5. Up-State Republicans show almost perfect cohesion (96.5) on the 59 roll calls specifically affecting New York City. They are considerably more united upon these matters than upon any other type of measures segregated, and considerably more united than are the Democrats (79.6). Hence it may be

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said that common attitudes regarding the affairs of New York City constitute the outstanding characteristic of the voting behavior of the Up-State Republicans. The New York City Republicans, on the contrary, occupy with regard to city issues the same intermediate position as a separate but not very cohesive group that they occupy upon questions generally.

6. The Assembly was more sharply divided on the issue of prohibition than on legislative issues as a whole. There were eight roll calls taken in which this issue was mainly involved. In each case Farmers (who were all Republicans) and Democrats were completely in agreement among themselves, but in *opposite directions*. That is, the index of likeness between Farmers and Democrats on this type of issue was 0.0.

Without further inferences from Tables III and IV, the writer hastens to a second illustration of the use of the two indices that have been described. This is found in an analysis of the votes of the so-called "progressive" or LaFollette bloc on the first fifty-four senatorial roll calls in the Sixty-eighth Congress.

The formal party affiliations of United States senators are of record. Their affiliations or sympathies with conservative, progressive or other blocs are not. On the basis of a variety of criteria, such as attendance at conferences of "progressives", the writer has segregated the following list of thirteen senators in the Sixty-eighth Congress, composed of six Republicans, five Democrats and two Farmer-Laborites: LaFollette, Frazier, Brookhart, Norris, Ladd and Borah, Republicans; Wheeler, Dill, Sheppard, Walsh of Massachusetts and Ashurst, Democrats; Shipstead and Johnson of Minnesota, Farmer-Laborites. For convenience this group of thirteen senators may be called "radical". Similarly, a larger list of twenty-two senators who may be termed "progressive" has been formed by the addition to the first thirteen of nine others with a reputation for progressive leanings, who failed, however, to meet the first criteria of selection. The "progressive" group thus includes the "radical". The various indices of cohesion that have been derived are shown in the following table:

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TABLE V

COHESION OF VARIOUS SENATORIAL GROUPS IN THE SIXTY-EIGHTH CONGRESS

Group	First 54 Roll Calls taken in the Sixty-eighth Congress	47 Roll Calls derived by omitting 7 of comparative unimportance
The Senate as a whole	44.2	46.5
Democrats (all so listed)	63.6	63.1
Republicans (all so listed)	70.0	66.3
"Radical" group of 13	66.6	71.0
"Progressive" group of 22	62.7	67.2

It is apparent from Table V that when all fifty-four roll calls were considered, the "radical" and "progressive" blocs were slightly less cohesive than the Republicans, including under the latter term all who gave this as their party designation in the Congressional Directory. The "radical" bloc, however, was more cohesive than the Democrats. Among fifty-one non-unanimous roll calls, the "radical" bloc was more cohesive than either Republicans or Democrats in the case of eighteen, and more cohesive than (or equally cohesive as) at least one of these parties in the case of twenty roll calls additional, leaving thirteen or 25.5 per cent in which both parties exceeded the "radical" bloc in cohesion.

But among the fifty-four roll calls, some were of greater importance than others. In the last column of Table V will be found the indices of cohesion when seven roll calls upon such matters as the award of individual war pensions and the election of a doorkeeper to the senate were eliminated. In this column it will be discovered that if the more important roll calls alone be considered, both "radical" and "progressive" blocs were more cohesive than either of the parties. It should be remembered that the insurgent tendencies of the progressive and radical senators tend to diminish the cohesion of the formal party organizations. It is probable, though it has not been determined, that the radicals were not so cohesive as the "regulars" in either of the old parties when taken by themselves. Nor has the writer employed the index of likeness to

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determine whether the radicals and progressives were more closely aligned to the Republican or the Democratic group, for it is hardly to be questioned that their affiliations were with the latter.

The illustrations that have preceded have been comparatively simple because they did not involve as variables the factors of party affiliations themselves. But suppose it is desired to compare the cohesion of two groups cutting unequally across party lines: for example, the cohesion of farmers and laborites when all farmers are Republicans while laborites are found in both parties. A higher index of cohesion among farmers in such a case would not be significant, for the major vote-determining influences are associated with party affiliation. At least one practicable means of eliminating the party variable when it is thought to invalidate the result is by the method of classification. Republican farmers may be compared with Republican laborites or with Democratic laborites, but not with a bi-partisan labor group. The indices of cohesion and of likeness gain significance (when the party variable is held constant in this manner) by comparison with the indices that would be *probable* on the basis of party affiliations alone. Thus it would be "expected" that the index of likeness between Republican farmers and Democratic laborites would equal the index of likeness between all Republicans and all Democrats if farmers and laborites constituted *random samples* of their respective parties. If in fact the former index is the smaller it is clear that farmers and laborites have a tendency to differ in their votes *relative to their party affiliations*, i. e., more than their party affiliations would call for. Similarly, the cohesion of Group A in Party X relative to the cohesion of X, when compared with the cohesion of Group B in Party Y relative to the cohesion of Y, will indicate whether A or B is the more cohesive relative to party affiliations.

When subordinate groups A and B are both wholly affiliated with Party X, a comparison of their respective indices of cohesion may be made directly. But it is not so simple to ascertain whether they are tending toward like or unlike voting behavior. At this point precision must be sought for the con-

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cept of "swing". Do A and B tend to "swing" in the same or in opposing directions within the common Party X? Are they, that is, in opposing wings or in the same wing of that party? If the number within the party be large as compared with the numbers in the subordinate groups, the "swing" may be safely determined by comparing the percentage of affirmative votes in the party group as a whole with the respective percentages of affirmative votes in the two subordinate groups. For example, in one roll call on the question of prohibition enforcement in the Pennsylvania House of Representatives of 1919 the Republican group with 175 members voting was 51.4 per cent in the affirmative on a particular presentation of the issue. Of seven Republican farmers, one, or 14.3 per cent was in the affirmative, while of eight Republican laborites, all or 100.0 per cent were in the affirmative. It will be clear that farmers and labor members, as occupational groups, "swung" to opposing wings of the common Republican party on this particular issue.

Similarly, it is found that the farmer and labor groups in the New York Assembly session analyzed above tended to swing to opposite wings of the common Republican party group in the larger number of roll calls taken. For reasons which need not be related here, exact measurement of the amount of swing is difficult, but a mere summation of the number of cases in which the swing is in the same direction as compared with the number in which it takes place in opposing directions, will usually suffice for the inquiry in hand.

Close adherence to the technique of comparing an actual index of cohesion or likeness with the index that would be expected on the basis of party affiliations alone, will provide the student with answers at once logical and quantitative to many common problems of group action in politics—problems now being approached by intuition and impression; in other words, on the basis of "hunch".[1]

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[1] For a more thorough examination of the principles and limitations of the method he has sketched, as well as for further illustrative material, the writer must refer to chapter vi and the appendices of his study, *Farmers and Workers in American Politics*, Columbia Studies in History, Economics and Public Law (New York, Longmans, Green & Co., Agents, 1924).

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THE NEW CONSTITUTION OF TURKEY[1]

Prospects of Republicanism in Turkey

WAR or the threat of war has been a powerful motivating force in the accomplishment of so-called "reform" in Turkey. The Constitution of December 23, 1876, was promulgated by Abdul Hamid because of the thinly concealed desire of Russian diplomacy to force a Russo-Turkish war upon liberal and humanitarian pretexts but for dynastic and imperialistic purposes. A previous charter of Ottoman liberties, the *Hatti-Humayun* of February 18, 1856, was issued by Abdul Medjid upon the eve of the Congress of Paris which was to liquidate affairs of the Crimean War. The Young Turk Revolution of 1908 was precipitated by the Reval visit of Edward VII to the Tsar and the apparent determination of Great Britain and Russia to bring order out of the prevailing Macedonian chaos. The Turkish Nationalist movement of Mustapha Kemal Pasha in its early stages anticipated and determined to forestall the attempt of the Entente Allies to dismember Turkey by the Treaty of Sèvres. In each of these cases the progressives of Turkey were liberals in their desire to introduce Western standards of administration into a tottering imperial régime, nationalists in their desire to achieve reform before it was forced upon them.

There are certain distinctive differences, however, between the present republican reform in Turkey and former half-hearted reforms in the Ottoman Empire. The revolt of Mustapha Kemal against the Allies was not, like the shifty maneuvers of Abdul Hamid or the precipitate acts of the Young Turks, designed to maintain Turkish hegemony in non-Turkish territory; it was primarily concerned with preserving a Turkish

[1] On April 20, 1924, the Grand National Assembly of Turkey adopted a new constitution of the Republic, the text of which is appended hereto in English translation, *infra*, pp. 89–100.

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homeland against Pan-Hellenistic expansion and Allied imperialism. Under the Sultans and to a lesser degree under the Young Turks the passion for reform waned as foreign pressure became less severe; under Mustapha Kemal the most significant revolutionary changes—namely, establishment of the republic, abolition of the Caliphate, and adoption of a democratic constitution—came after a signal military victory at Smyrna and a conspicuous diplomatic victory at Lausanne, when foreign intervention was little to be feared. Before the war "reform" in Turkey, as elsewhere, was interpreted in a narrowly political sense, so that the forms of liberalism were mistaken for the substance of social progress; the new régime in Turkey is founded upon fundamental reforms, such as the separation of Church and State, of which the constitution is but a necessary expression. The edicts of 1856 and 1876 were administered under the tender mercies of a reactionary, incompetent and corrupt bureaucracy, and the constitution of 1908 fell victim to an unscrupulous triumvirate; the present constitution has an even chance, at least, of being carried out by men who are admittedly inexperienced, but who seek to divorce themselves from Byzantinism and evil Ottoman traditions.

It hardly will be contended, of course, that the new constitution and its administrators can solve out of hand all problems of the new Turkish Republic. To train honest and efficient public servants in a country which has been cursed with a corrupt and incompetent official class; to cultivate intelligent public opinion and to promote elementary education among an illiterate people which has been kept in ignorance for centuries; to reform the finances of a treasury which has been drained by extravagance, pilfering and war; to promote economic prosperity in the midst of ruin—these will be nothing short of Herculean tasks. For a time, it will be the part of wisdom and charity to judge Turkey upon her good intentions rather than upon her substantial achievements.

Turkish nationalism and republicanism can be viewed accurately only in their historical setting. They are not isolated phenomena, but part of the trend of the times which produced them. In 1914, the Ottoman Empire, along with the German

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and Austrian and Russian Empires, was cast into the crucible of the Great War. Military and economic catastrophe overcame Stamboul as they overcame Berlin and Vienna and Petrograd. The Sultan, supported for a time by Allied bayonets, eventually went the way of the two Kaisers. The national minorities of the Ottoman Empire, like those of Austria-Hungary and Russia, were detached from their former allegiance. In short Turkish nationalism and republicanism were prototypes of the nationalism and republicanism which swept over central and eastern Europe immediately before and after the armistice of 1918. In addition, Turkish nationalism is the reflection of a growing Asiatic antipathy to Western domination. Whether classified as fanaticism or as a righteous adherence to the principle of self-determination, this passion of the subject peoples of the East for freedom from European control has been a powerful influence in the recent history of the Near and Middle East. In the name of national independence Egypt demanded the termination of the British Protectorate, Persia freed herself from the Curzon Treaty, the Arab world resisted the mandatory Powers, India remains in ferment; in the name of national independence the Turks at Lausanne doggedly persisted in their determination that the Capitulations should be abolished and the Ottoman Public Debt Administration rigidly controlled. Located geographically between central and eastern Europe on the one hand and western Asia on the other, Turkey naturally was influenced by, and in turn herself influenced, the contemporaneous nationalist and republican movements of her neighbors.

Whatever may be the ultimate fate of the constitution and of the republic, a new social and economic order has been established in Turkey. Fifteen years of almost uninterrupted war—with their concomitants of disease, famine and massacres—have dealt a blow to the productive man-power of the nation which cannot be overcome without the introduction of agricultural and other machinery. The exigencies of war assisted in the emancipation of women from many of their former disabilities and compelled, as in other countries, a readjustment in the relationships between the sexes. The massacre and deportation

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of hundreds of thousands of Greeks and Armenians have stripped the country of most of its intelligent and prosperous middle class, whose place will be taken but slowly by Turks lacking in education and experience. The forcible detachment of the non-Turkish portions of the Empire should divert to economic channels much of the intelligence and energy which formerly was dissipated in the maintenance of excessive military forces and a far-flung civil administration. It is as difficult to conceive the return to Turkey of the Osman dynasty and the Ottoman system as it is to imagine the return to Russia of the Romanovs and their Tsarist régime.

Constitutional Precedents in Turkey

Although self-government in Turkey is in an infant, if not an embryonic, stage of development, constitutionalism is supported by precedents of some importance. Ottoman religious and secular institutions were opposed to the theory of absolutism. The Holy Law, or *Sheriat*, was always considered superior to the arbitrary decisions of a ruler and was so generally recognized as a fundamental law of the land that it required little effort to introduce even ignorant Moslems to the idea of a constitution.[1] The non-Moslem populations of the Ottoman Empire enjoyed a considerable measure of self-government within their religious communities. By the *Tanzimat* of 1839 and the *Hatti-Humayun* of 1856 Sultan Abdul Medjid granted Ottomans a charter of personal liberties—more frequently disregarded, it is true, than observed, but "as sure a sign of progress in Turkey as the granting of Magna Charta had been to England".[2]

The Constitution of 1876 was weakened from its inception by the bad faith of Abdul Hamid, who considered it a device for forestalling the efforts of the Powers to force upon him a constitution of their making. After the Treaty of Berlin the wily and unscrupulous Sultan proceeded to rid himself of the

[1] When the Grand National Assembly originally gathered at Angora in April, 1920, it claimed moral and political authority from a verse of the Koran enjoining followers of the Prophet to "meet together in council and discuss".

[2] Sir Edwin Pears, *Life of Abdul Hamid* (London, 1917), p. 2.

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constitution, of the parliament established by it, and of the constitutionalists who were responsible for both. The suspension of the constitution in 1878 could not, however, conceal the fact that Turkey had had her first parliament—a parliament which demonstrated a considerable amount of independence, which exposed the universal incompetence and corruption of the Ottoman imperial régime, and which held out high hopes that a future revival of representative government might rally round it a public opinion which no ruler would dare defy.

Although no parliament met in Constantinople during the three decades, 1878–1908, the Sublime Porte annually published the Constitution of 1876 as the basic law of the Empire, thereby contributing unconsciously to the Young Turk agitation for the re-establishment of parliamentary government. In fact,

> the thirty years of oppression had a curious educational effect. The very badness of the Government appeared to turn the minds of many thinking Ottomans toward the principles of the unused Constitution. It alone seemed to promise release from captivity and the restoration of the nation to an honorable place before the world. . . . When, in July, 1908, Abdul Hamid, forced by the army and the Committee of Union and Progress, ordered the election of a new parliament and proclaimed his intention of governing under the Constitution, so ready was Turkey for the new régime that in the twinkling of an eye the nation transferred its obedience from the Sultan to the power that had triumphed over him.[1]

Judged by Anglo-Saxon standards, the Constitution of 1876 left much to be desired; but had it been faithfully observed, it would have provided a fairly satisfactory basis for the development of parliamentary institutions in Turkey.[2] Its principal features were: a bicameral parliament composed of an appointed Senate of notables and an elected Chamber of Deputies; a Council of Ministers appointed by the Sultan but responsible

[1] A. H. Lybyer, "The Turkish Parliament", in *Proceedings of the American Political Science Association*, Volume VII (1910), pp. 67–68.

[2] The text of the constitution is available in *Parliamentary Papers, House of Commons*, 1877, Volume XCI, pp. 114–131, in French and English translations.

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in a vague and indefinite sort of way to the Chamber;[1] a judicial system which never existed except in the imagination of the Sultan and in the hopes of the constitutionalists. The Sultan, Sovereign and Padisha of all the Ottomans, Supreme Caliph of Islam, was declared to be "irresponsible" and possessed an absolute veto of any act of parliament. Financial and administrative reforms were projected in some detail but never came to pass. An elaborate bill of rights specified that liberty of person, property and domicile is inviolable; "all subjects of the Empire are called Ottomans, without distinction, whatever faith they profess"; "all Ottomans are equal in the eye of the law and have the same rights, and owe the same duties toward their country, without prejudice to religion";[2] Islam is the state religion, but "the State will protect the free exercise of all faiths professed in the Empire and uphold the religious privileges granted to various bodies"; all Ottomans are eligible to hold public office according to their fitness, merit and ability; the press is free "within the limits imposed by law"; confiscation, forced labor and compulsory levies are prohibited. The chief weakness of the constitution was not its provisions but Abdul Hamid's supreme indifference to them. It is typical, for example, that although the Sultan suspended the constitution for thirty years from 1878, Article 115 solemnly declared that: "No provision of the Constitution may, under any pretext whatsoever, be suspended or neglected."[3]

[1] Article 30 stated that "ministers are responsible for their acts", without specifying to whom. Article 35 provided that: "In the event of the Chamber of Deputies throwing out a bill [initiated by a Minister], and assigning its reasons therefor, upon the adoption of which bill the Minister is of the opinion he ought to insist, His Majesty the Sultan, in the exercise of his sovereignty, orders either a change of Ministers or a dissolution of the Chamber, subject to the re-election of Deputies within the period appointed by the law."

[2] This provision, later interpreted to require military service of non-Moslems, who had been exempt from conscription in return for the payment of a military exemption tax, was the source of a great deal of bitterness during the Young Turk Revolution. Although the Christian populations of Turkey were willing to accept equality in rights with Moslems, they objected strenuously to service in the Ottoman armies.

[3] There was at least one provision of the constitution which Abdul Hamid observed with some enthusiasm. Article 113 read: "His Majesty the Sultan has the

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During the revolutionary enthusiasm of 1908–1909, the Young Turks proceeded to remove many of the ambiguities of the revived constitution and to establish beyond doubt the sovereign power of parliament. Abdul Hamid was obliged to take an oath of fealty to the nation which he had so shamefully mistreated and to the constitution which he had so cheerfully ignored. The Sultan's veto of legislation was sharply curtailed and was subject to being over-ridden by two-thirds veto of the Chamber. Parliament was authorized to meet on the first of November of each year without formal convocation, and the calling of special sessions was authorized by petition of a majority of the members. Ministers were made individually and collectively responsible to the Chamber, and the decision of a general election on any issue was declared to be definitive and final. As amended by the Young Turks, therefore, the Constitution of 1876 became a liberal charter of parliamentary government.[1] That it did not lay a substantial foundation for real self-government in Turkey must be attributed to a variety of causes. The first was the unwillingness of the non-Turkish peoples of the Empire, after the first flush of enthusiasm, to surrender the special privileges which they had traditionally enjoyed since the days of Mohammed II,[2] and to substitute therefor the uncertain constitutional guarantee of a revolutionary régime. The second was a series of wars which provided the pretext for less faithful observance of the constitution than would have been required in time of peace; the Turco-Italian War of 1911–1912, the two Balkan Wars of 1912–1913,

exclusive right of expelling from the territory of the Empire those who, in consequence of trustworthy information obtained by the police, are recognized as dangerous to the safety of the State."

[1] The revised constitution of 1909 is available in English translation in *Papers Relating to the Foreign Relations of the United States* for the year 1909 (Washington, 1914), pp. 585–594.

[2] Christians and Jews in the Ottoman Empire were exempt from jurisdiction of the imperial courts in matters of religion and personal status (including marriage, divorce, legitimacy, inheritance, etc.); they enjoyed ecclesiastical self-government within religious communities; they were permitted to maintain their own schools, conducting instruction in the vernacular. For details see George Young, *Corps de droit ottoman* (7 volumes, Oxford, 1905 *et seq.*), especially Volume II, chapters XXI–XXIX.

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and the Great War of 1914–1918 subordinated parliamentary experiments to the more pressing problems of national defense. The third was the conflicting interests of the Great Powers, each maneuvering for some special advantage in the Near East and showing no disposition to assist reform in the Ottoman Empire except in so far as such reform might be expected to serve its own purposes. Finally, the financial difficulties of the Young Turks compelled them to consent to a tightened grip of European financiers and concessionaires on the imperial purse-strings. In view of these obstacles, it is small wonder that the outbreak of the Great War enabled the triumvirate of Enver, Talaat and Djemal, supported by German military power, to disregard the constitutional guarantees of 1908 as Abdul Hamid had ignored those of 1876.

The Rise of Republicanism in Turkey, 1919–1924

Remarkable as was the resurgence of Turkish military power under Mustapha Kemal Pasha, it is less remarkable than the extraordinary changes which have taken place in Turkish institutions since the advent to power of the *Tashkillat Milli*, or Nationalist Organization. Originating as a movement to "safeguard the Sultanate, the Supreme Caliphate, and the integrity of the country against foreign pressure",[1] Turkish nationalism gradually altered and expanded its program to include abolition of the Sultanate, deposition of the Caliph, and establishment of a republic. The antithesis between original purpose and final accomplishment is not to be explained by any sudden and unwarranted change of mind on the part of Mustapha Kemal and his followers, but rather by the gradual adaptation of their program to changing conditions. It is clear from the proclamation of the Congress of Sivas in September, 1919, and again from the National Pact adopted by the Ottoman Parliament in January, 1920, that it was not the intention of the Nationalist movement to alter the form of government of Turkey. But the subserviency of the Constantinople Government to the

[1] Proclamation of the Turkish Nationalist Congress of Sivas, September 9, 1919, quoted in *Report of the American Military Mission to Armenia* (Washington, 1920).

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Allies led to its being identified with the cause of the enemies of the nation; the reliance of the Sultan upon foreign bayonets cast the suspicion of treason upon him; the association of the Caliphate with the internationalism of Islam was deemed inconsistent with the independence of a purely nationalist program; support of the Caliphate by reactionaries caused fear that traitors might use the prestige of the office for the promotion of counter-revolution. Hence the cause of national independence came to be associated with the necessity of completely divorcing Turkey from Constantinople and its Byzantinism, from the Sultanate and his dependence upon foreign support, from the Caliphate and its international Islamic embarrassments, and from the monarchy and its essential conservatism.

The new governmental system of Turkey rests not merely upon the constitution of 1924 but also upon important documents which preceded it. First among these is the National Pact.[1] In its constitutional aspects the National Pact is important chiefly for two reasons: first, it demanded the abolition of the Capitulations and other foreign exterritorial jurisdiction in Turkey; second, it expressed the willingness of the Turkish Nationalists to accept a special international status for such minorities as might remain under Turkish rule after a treaty of peace. Each of these points requires consideration.

The Capitulations, granting to foreigners certain immunities from the jurisdiction of Ottoman law, gradually led Westerners in Turkey to consider themselves as being subject to *no* law. As a result of the privileged juridical status of foreigners in Turkey the grossest abuses arose. Foreign consuls were exalted officials usurping the place of the Turkish authorities, who often found themselves quite helpless under the most trying and exasperating circumstances. The police were impotent to deal with cafés, gambling houses, saloons, dance-halls and other pleasure resorts which flourished in defiance of the law and of public decency.[2] The exemption of foreigners from

[1] The text of the National Pact is available in *Current History*, vol. XVII (1923), pp. 280–281, in English translation, and in A. J. Toynbee, *The Western Question in Greece and Turkey* (New York, 1922), pp. 207–210, in French and English.

[2] These disorders reached their highest point of development during the Allied occupation of Constantinople, 1920–1923.

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taxation and the veto of foreign governments over increases in the customs duties assisted in the perpetual pauperization of the Ottoman treasury and placed the Sublime Porte at the mercy of European diplomatists and financiers. The general effect of the Capitulations was to produce "an irritating superiority on the part of the foreigner; a corresponding resentful hostility on the part of the humiliated Turk; and incessant diplomatic controversies of the most trying nature".[1] From the standpoint of the Nationalists the Capitulations were an unwarranted and unjustifiable infringement upon the sovereignty of Turkey, and they demanded that they should be considered abrogated as of 1914. In the words of the National Pact, they said:

> With a view to assuring our national and economic development, and with the end of securing to the country a more regular and more modern administration, the signatories of the present pact consider the possession of complete independence as the *sine qua non* of our national existence. In consequence, we oppose all juridical or financial restrictions of any nature which would arrest our national development.

Upon this platform the Turkish delegates at Lausanne stood adamant. As a consequence, Article 28 of the Treaty of Lausanne provides for the "complete abolition of the Capitulations in every respect", thus confirming in international law one of the fundamental contentions of the National Pact. Henceforth, foreigners as well as Turks will be subject to the Turkish Constitution and to other laws of the land.

By the National Pact, also, Turkey expressed a willingness to guarantee the rights of minorities "as defined in the treaties concluded between the Entente Powers and their enemies and certain of their associates", in return for the assurance that Moslem minorities in neighboring countries should be granted similar guarantees. By the Treaty of Lausanne the promise contained in the National Pact was redeemed, for Turkey extends certain guarantees to all its nationals "without distinction of birth, nationality, language, race or religion": equality

[1] See Philip Marshall Brown, *Foreigners in Turkey: their Juridical Status* (Princeton, 1914), and a most illuminating article by the same author, "The Capitulations", in *Foreign Affairs* (New York), June, 1923.

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before the law and full protection of life, liberty and property; equal civil and political rights; permission to establish, maintain and control religious and philanthropic institutions; freedom of religion and unrestricted use of the vernacular; freedom of social customs, including family law and personal status. These guarantees seem to be amply provided for in the new constitution.[1] Aside from their incorporation in the constitution, however, the pledges to minorities must be considered part of the fundamental law of Turkey, in view of Article XLIV of the Treaty of Lausanne, which reads, in part, as follows:

> Turkey agrees that in so far as they affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations.
>
> Turkey agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.
>
> Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article XIV of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demand, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article XIII of the Covenant.

Although the problem of minorities is a less difficult one than it used to be,[2] Turkey will be obliged to protect such minorities

[1] See part V, especially Articles 75 and 88, pp. 97–98 *infra*.

[2] By an interchange of populations agreement of January, 1923, about one hundred thousand Greeks remaining in Turkey were deported to Greece and about four hundred thousand Turks remaining in Macedonia and Thrace were deported by Greece to Turkey during 1924. See E. M. Earle, "The Trek of Near Eastern Minorities", in *Asia*, January, 1925, pp. 49–70 *passim*.

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as remain in her territory; it is an obligation she assumed voluntarily under the National Pact, under the Treaty of Lausanne, and under her new constitution.

The National Pact is of great importance in the constitutional developments in Turkey from 1919 to 1924, but it was not a revolutionary document. It envisaged no overthrow of the existing order in any respect. Quite different, however, was the Organic Law of April 23, 1920, by which the self-appointed Grand National Assembly declared itself to be the sole representative of the nation, exercising sovereign powers of legislation and administration. This "Law of Fundamental Organization" repudiated the existing government of the Sultan and Parliament at Constantinople as of March 16, 1920 (the date of the Allied occupation of the city), and set up a legislative body, executing its decisions through agents, not provided for or countenanced by the existing constitution. By authority of this revolutionary measure, the Grand National Assembly put armies in the field, repudiated the Treaty of Sèvres, signed secret treaties with the governments of France and Italy, drove the Greeks out of Smyrna, and negotiated the Mudania Armistice of 1922.[1]

The next important step toward the establishment of a republic was taken on November 1, 1922, when the Sultan Mohammed VI was deposed by the Grand National Assembly, the office of Sultan was abolished, and the Caliphate was made elective by the Grand National Assembly from among the princes of the House of Osman. The decision of the Assembly was made known in the following terms:

The Palace of the Sublime Porte having, through corruption and ignorance, for several centuries provoked numerous ills for the country, has passed into the domain of history. Recently the Turkish nation, the real master of its own destinies, the founder of the Ottoman Empire, revolted against its foreign enemies in Anatolia and undertook a struggle against the Palace of the Sublime Porte, which took sides

[1] The text of the Law of Fundamental Organization of April 25, 1920, is given, in English translation, by Clair Price in his *Rebirth of Turkey* (New York, 1923), pp. 181–183, and in *Current History*, vol. XVII (1923), pp. 458–459.

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with its enemies and against the nation, and to that end it constituted the Grand National Assembly of Turkey its Government. . . . Today the era of liberation has at last been entered into. . . . The sovereignty of the Sultan is assumed by the nation; executive and legislative powers are conferred upon the nation. . . . The former Ottoman Empire has collapsed and in its place the new national Turkish State is called into being.

From the abolition of the Sultanate to the proclamation of a republic was an easy and logical step. Nevertheless, it was almost a year later, on October 29, 1923, before the definite announcement of a republic was made. Simultaneously, the office of President of the Republic was established and conferred upon Mustapha Kemal Pasha. Also the government was somewhat regularized by the creation of a Council of Ministers, appointed by the President but responsible to the Assembly. The executive powers were exercised by the President and the Council of Ministers on behalf of the Grand National Assembly, which continued as formerly to retain all sovereign power. There were no further changes in the governmental system until the adoption of the constitution of April 20, 1924.

There remained but one tie binding the Turkish Republic to the traditions of the Ottoman Empire, namely, the Caliphate. The office was held by an agreeable and charming prince of the House of Osman, Abdul Medjid, who was much more interested in art, literature and philosophy than in politics. Nevertheless, on March 3, 1924, the Grand National Assembly unceremoniously bundled the Caliph off into exile, along with all other members of the House of Osman then remaining in Turkey. The Caliphate was formally abolished, all mention of the Caliph was omitted from the State Prayers on Friday (*Selamlik*), and instead the favor of God was implored for the nation and the republican government. Simultaneously almost all surviving privileges connected with the Caliphate and with Mohammedanism as the State religion were swept away: the *Sheriat*, or Holy Law, was abolished to all intents and purposes; all religious courts were subordinated to the Ministry of Justice; education was secularized, even in the mosque schools, which were placed under the jurisdiction of the Minister of Educa-

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tion; the Ministry of Pious Foundations (*Evkaf*) was suppressed, and the administration of its vast religious and philanthropic endowment was taken over by the Government; the Sheikh-ul-Islam, chief expounder of the Holy Law, was dropped from the Cabinet. By a series of drastic decrees issued within less than a week, therefore, the Grand National Assembly had destroyed all differentiation between civil and religious jurisdiction, had secularized religious property, had driven religious influences out of the schools and the law and the courts, had divorced religion and politics in the Cabinet, and in general had done away with all those Moslem prerogatives which formerly had constituted one of the principal reasons for the maintenance of the Capitulations and for the special immunities under which the Christian populations of the Ottoman Empire had lived. Although open rebellion by a conservative Moslem peasantry was freely prophesied, the changes —which would have been unthinkable even to their originators ten years before—were accomplished without any suggestion of disorder. Other dire predictions that the abolition of the Caliphate would produce serious disturbances throughout the Moslem world likewise proved to be premature. In general, qualified observers were of the opinion that Turkey had taken the most important step forward which had been taken since her advent into European affairs.

With the abolition of the Caliphate in March, and the adoption of the new constitution in April, 1924, the Turkish Revolution was complete. It now remains to be seen whether republican institutions thus established can survive. Every friend of liberalism must wish sincerely that Turkey will enjoy success far beyond her own and our expectations. For the triumph of the new régime in Turkey is of importance not only to the Near East, but to the peace of the entire world.

The Constitution of 1924

The Constitution of 1924, if it is faithfully carried out, will provide Turkey with a representative and democratic government. In the unicameral Grand National Assembly are vested all sovereign powers of the nation, executive and legislative.

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The Assembly is elected by vote of all male citizens of eighteen years of age or more.[1] The members of the Council of Executive Commissioners (the Cabinet) are chosen from the membership of the Assembly and are individually and collectively responsible to the Assembly. Elaborate regulations are provided for the exercise of control by the Assembly over the collection of taxes and the expenditure of public funds. A bill of rights defines those liberties which are the prerogative of all Turkish citizens, regardless of race or religion. Justice is intended to be free from political pressure or other extraneous influence. The permanency of the republic is sought to be secured by the provision that no amendment may be entertained which seeks to alter the form of government.

An interesting section of the constitution is that which deals with the powers and privileges of the President of the Republic. Fear has been expressed that the great personal prestige of Mustapha Kemal Pasha, combined with his leadership of the Popular Party and his constitutional prerogatives, might lead to the gradual transformation of the republic into a virtual military dictatorship. In this connection it is of interest to note that the original draft of the constitution conferred on the President greater powers than he enjoys under the constitution as finally adopted. It was originally provided that the President should be elected for a period of eight years; in fact, he now serves only for the life of the Assembly, so that no premium is placed upon his arbitrary dissolution of that body. In the first draft of the constitution, it was specified that the President's veto of a bill passed by the Assembly could be overriden only by two-thirds vote of the Assembly; at present legislation may be passed over his veto by majority vote. Legislative provision for the removal of military influences in the Government has led to the resignations of a number of army officers from their commissions in order that they may hold their seats in the Chamber of Deputies. The office of Chief of Staff no longer carries with it a seat in the Cabinet. The slow development of

[1] Deputies must read and write the Turkish language and must not be subject to the disqualifications enumerated in Articles 11 and 12.

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a parliamentary opposition has led to the resignation of Ismet Pasha as President of the Council of Commissioners and the assumption of that office by Fethi Bey, former President of the Grand National Assembly. Although Mustapha Kemal Pasha's magnetic personality has been a powerful factor in the determination of public policies, there is as yet no indication that he aspires to the position of dictator or that, if he did aspire to the position, he could attain it.

The abolition of the Capitulations and the secularization of the law have made possible the adoption of fundamental reforms in the administration of justice. It doubtless will be some time before Turkey will have trained and developed a corps of honest and capable judges. But simplification of the law has been achieved by the abolition of consular and religious jurisdiction, and special committees of the Grand National Assembly are now engaged in the codification of the law and in the elaboration of a suitable judicial system. The Turkish Government has announced its intention of having the work of these legislative committees supplemented by the work of foreign expert advisers. Inasmuch as these advisers are to be nationals of countries which did not participate in the Great War,[1] they may be counted upon to serve in the best interests of Turkey without regard to political and diplomatic considerations.

Turkey has provided herself with the machinery of a democratic republic. The operation of the machinery will require skill, patience and determination. She cannot be expected to achieve immediate perfection in the difficult task she has undertaken. Like other infant republics, she will make mistakes. If errors of intent and errors of judgment, however, are looked upon chiefly as occasions for self-improvement, the new Turkish Republic will win well merited respect.

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[1] See a declaration of Ismet Pasha at Lausanne concerning the administration of justice in Turkey. *Parliamentary Papers*, No. Cmd. 1969, Treaty Series No. 16 (1923), pp. 201–203.

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NOTE.—Hussein Bey Effendi, Professor of the Turkish Language and Literature at Robert College, Constantinople, graciously provided the author of this article with a French translation of the Constitution of 1924. This translation, carefully checked against the Turkish version and an English translation thereof, forms the basis of the appended copy of the Constitution. Professor Hussein Bey, however, has not read the foregoing article and assumes no responsibility for the sentiments expressed therein.—E. M. E.

CONSTITUTION OF THE REPUBLIC OF TURKEY

SECTION I

Fundamental Provisions

Article 1: The Turkish State is a Republic.

Article 2: The religion of the Turkish State is Islam; the official language is Turkish; the seat of government is Angora.

Article 3: Sovereignty belongs without restriction to the nation.

Article 4: The Grand National Assembly of Turkey is the sole lawful representative of the nation, and exercises sovereignty in the name of the nation.

Article 5: The legislative and executive powers are vested and centered in the Grand National Assembly which concentrates these two powers in itself.

Article 6: The Grand National Assembly of Turkey exercises the legislative power directly.

Article 7: The Assembly exercises the executive power through the intermediary of the President of the Republic, whom it elects, and through a Cabinet chosen by him. The Assembly controls the acts of the government and may at any time withdraw power from it.

Article 8: The judicial power is exercised in the name of the Assembly by independent tribunals constituted in accordance with the law.

SECTION II

The Legislative Power

Article 9: The Grand National Assembly is composed of members elected by the nation in conformity with the electoral law.

Article 10: Every Turkish citizen over the age of eighteen possesses the right to vote at legislative elections.

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Article 11: Every citizen over the age of thirty is eligible to election to the Grand National Assembly.

Article 12: The following are ineligible to be deputies: those in the service of a foreign power, persons condemned to penal servitude, persons acknowledging foreign nationality, persons condemned for fraudulent bankruptcy, persons who have been deprived of their civil rights, and citizens who cannot read and write the Turkish language.

Article 13: Legislative elections take place every four years. Members whose terms have expired are eligible for re-election. The Assembly which has reached the end of its term continues to sit until the meeting of the new Assembly.

In case it is impossible to proceed to legislative elections, the session of the legislature may be prolonged one year.

Each deputy represents not only the constituency which has elected him, but the whole nation.

Article 14: The Grand National Assembly shall meet every year on the first day of November, without the necessity of convocation. The Assembly may not be in recess more than six months a year; such recesses are considered necessary for the purpose of permitting the deputies to visit and inspect their constituencies, of re-uniting the elements of control [of the executive power], and of rest and recreation.

Article 15: Initiation of legislation rests with the members of the Assembly and the Cabinet.

Article 16: On the day of their admission to the Assembly, the deputies take the following oath:

"I swear before God that I will have no other aim but the happiness and safety of the fatherland and the absolutely unrestricted sovereignty of the nation and that I will never forsake republican principles."

Article 17: The immunities of a member of the Grand National Assembly in the Chamber or elsewhere may not be challenged. A deputy who is accused of an infraction of the law, whether committed before or after his election to the Assembly, and whose interrogation or arrest is demanded by the responsible authorities, may be surrendered only by vote of the Assembly in case of flagrant crime. The execution of any judgment pronounced against a deputy before or after his election shall be suspended until the expiration of his legislative term. The statute of limitations, however, shall not be considered to operate during this term.

Article 18: The annual salaries of deputies shall be fixed by special law.

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Article 19: If the Assembly is in recess, the President of the Republic or the President of the Council may convoke the Assembly in special session.

Likewise, if one-fifth of the number of deputies should demand the convocation of the Chamber in special session, the Chamber must reconvene.

Article 20: The debates of the Grand National Assembly are held publicly and the reports of its debates are published without any modification of the text.

However, in conformity with its own rules of procedure, the Assembly may also meet in secret session. In such cases, it is for the Chamber to decide whether it is proper to publish the text of the discussions.

Article 21: The debates of the Chamber are governed by its own rules of procedure, adopted in the same manner as ordinary legislation.

Article 22: The Grand National Assembly includes among its powers the right of interpellation and of conducting investigations and parliamentary inquiries.

The method of transaction of such proceedings is governed by the regulations of the Assembly.

Article 23: No person may hold simultaneously the office of deputy and any other public office.

Article 24: The Grand National Assembly at the beginning of November in each year shall elect its president and three vice-presidents for the duration of one year.

Article 25: When the Assembly by absolute majority votes to dissolve before the expiration of its term, the session of the new Assembly must begin the first of November following. A session held before that date is considered as an extraordinary session.

Article 26: The Grand National Assembly itself executes the holy law; makes, amends, interprets and abrogates laws; concludes conventions and treaties of peace with other states; declares war; examines and ratifies laws drafted by the Commission on the Budget; coins money; accepts or rejects all contracts or concessions involving financial responsibility; decrees partial or general amnesty; mitigates sentences and grants pardons; expedites judicial investigations and penalties; executes definitive sentences of capital punishment handed down by the courts.

Article 27: Only by a vote of two-thirds of the deputies may the Assembly impeach one of its members for high treason or for other crimes committed in the course of his legislative term.

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If a deputy is liable to one of the penalties mentioned in Article 12 and if he is condemned by a court, he loses his seat as deputy.

Article 28: Every deputy loses his office if he resigns, if as a result of unavoidable circumstances he is unable to attend the sessions, or if for two months he absents himself from the sessions without valid excuse or without permission, or if he accepts public office.

Article 29: A deputy shall be elected to replace one who has lost his seat for the reasons enumerated in the preceding Articles or who is deceased.

Article 30: The Assembly assures discipline and regulates its administration by its own rules of procedure, which are enforced by the President of the Assembly.

SECTION III

The Executive Power

Article 31: The President of the Republic is elected by the Assembly from among its members for a period equivalent to that of the parliamentary term. The President exercises his functions until the election of a new President of the Republic. He is eligible for re-election.

Article 32: The President of the Republic is the head of the State; in this capacity he presides over the Assembly on ceremonial occasions and in case of necessity over the Council of Commissioners.

During his entire term of office the President of the Republic may not take part in the discussions or in the deliberations of the Assembly and may not vote.

Article 33: If the President of the Republic, by reason of illness, or travel outside the country, or for any other cause, cannot perform his duties, or if as a result of his death, his resignation, or any other cause, the presidency of the republic is vacant, the President of the Assembly takes up his duties in the interim.

Article 34: If, while the Assembly is in session the presidency of the Republic becomes vacant, a new President is elected immediately.

If the Assembly is not in session, it must be convoked at once by its President to elect the new President of the Republic.

If the vacancy occurs at the end of the legislative term or if a new election has been ordered, the new Assembly shall elect the new President of the Republic.

Article 35: The President of the Republic shall promulgate in ten days of its enactment any law voted by the Assembly.

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The President of the Republic must return within ten days any law which he does not consider worthy of promulgation, together with a statement of his reasons, for consideration by the Assembly; amendments to the constitution and legislation concerning the Budget are not subject to the President's suspensive veto.

The President is obliged to promulgate any law which is enacted by majority vote of the Assembly after reconsideration.

Article 36: In November of each year, the President of the Republic delivers, or causes to be read by the President of the Council, an address concerning the activities of the government during the past year and the recommendations of the government for the year to come.

Article 37: The President of the Republic designates the diplomatic representatives of the Republic of Turkey in foreign countries und receives those from foreign states.

Article 38: After his election and in presence of the Assembly, the President of the Republic shall take the following oath:

"As President of the Republic, I swear to dedicate myself exclusively to the respect, defense and execution of the laws of the Republic and of the principles of national sovereignty, to devote all my efforts loyally to assure the happiness of the Turkish nation, to contend with all my strength against every danger which may menace the Turkish state, to cherish and defend the glory and honor of Turkey, and in general to conduct myself so that I may never fail in the performance of the duties with which I am entrusted."

Article 39: All decrees promulgated by the President of the Republic shall be signed by the President of the Council and by the Commissioner within whose jurisdiction the measure lies.

Article 40: Supreme command of the army is vested in the Grand National Assembly, which is represented by the President of fhe Republic.

The command of the military forces in time of peace shall be entrusted, according to special law, to the Chief of Staff, and in time of war to the person designated by the President of the Republic, with the advice of the Cabinet and the approval of the Grand National Assembly.

Article 41: The President of the Republic is responsible to the Grand National Assembly of Turkey only in case of high treason. The responsibility for all decrees promulgated by the President of the Republic, according to Article 39, devolves upon the head of the Cabinet and the responsible ministers whose signatures are affixed to the decrees. In case charges other than high treason are preferred against

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the President of the Republic, Article 17 of the Constitution, concerning legislative immunities, shall be applied.

Article 42: The President of the Republic, on the recommendation of the Government, may annul or commute the sentences of persons on account of long-continued illness or of old age. Nevertheless, the President is not authorized to use this right in the case of members of the Council of Commissioners who may have been convicted by the Grand National Assembly.

Article 43: The salary of the President of the Republic shall be fixed by special law.

Article 44: The President of the Council [of Commissioners] is designated by the President of the Republic from among the deputies. The other commissioners [members of the Cabinet] are likewise chosen from among the deputies by the President of the Council, who, after obtaining the approval of the President of the Republic, presents the list of the members of the Council to the Grand National Assembly. The Government must within a week present its program to the Assembly and request a vote of confidence. If the Assembly is not in session, this is postponed until the new session.

Article 45: The commissioners, headed by their president, constitute the "Council of Executive Commissioners".

Article 46: The members of the Council of Executive Commissioners are collectively responsible for the general policies of the government. Each member, individually, is likewise responsible within the scope of his authority for the general character of his policy and for the actions of his subordinates.

Article 47: The functions and responsibilities of the commissioners shall be defined by special law.

Article 48: The number of the commissioners shall be fixed by law.

Article 49: In case of leave of absence or for any other valid reason necessitating the absence of a commissioner, another member of the Council may be named to replace him temporarily, but no commissioner may be charged with the duties of more than two departments at any one time.

Article 50: A motion of the Grand National Assembly summoning a commissioner before the High Court entails the commissioner's removal from office.

Article 51: There shall be established a Council of State which shall be called upon to decide administrative controversies and to give its advice on contracts, concessions and proposed laws drafted and presented by the Government, and to perform specific duties which may be determined by law.

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The Council of State shall be composed of persons chosen by the Grand National Assembly, from among those who have held important posts, who possess great experience, who are specialists, or who are otherwise qualified.

Article 52: With the advice of the Council of State, the Council of Commissioners shall promulgate regulations for the administration and execution of the law, provided that such regulations shall not contain new clauses. When the regulations are alleged to be contradictory to the law, the Grand National Assembly of Turkey is empowered to adjudicate the matter.

SECTION IV

The Judicial Power

Article 53: The organization, the jurisdiction, and the functions of the courts shall be determined by law.

Article 54: Judges are independent in the conduct of trials and in the rendering of their judgments. They shall be protected from any sort of intervention and are subject only to the law. Neither the legislative nor executive power may modify, alter, or delay execution of decisions of the courts.

Article 55: Judges may be recalled only in conformity with the procedure determined by law.

Article 56: The qualifications of magistrates, their rights and duties, as well as their salaries and the manner of their nomination and of their dismissal, shall be determined by special law.

Article 57: Judges may not assume any public or private office outside of that entrusted to them by law.

Article 58: Court trials are public. Nevertheless, a court may order a secret trial, in cases specified by the code of procedure.

Article 59: Every person is free to use all the legal means which he deems necessary to the defense of his rights before the courts of justice.

Article 60: No court may refuse to examine and pass judgment upon cases which are submitted to it and which fall within its jurisdiction. Cases which are outside its competency may be rejected only by a decision of the court itself.

Article 61: A High Court shall be constituted, the jurisdiction of which shall include the trial of members of the Cabinet, members of the Council of State, the Attorney General, and members of the Court of Appeals in all questions pertaining to the performance of their duties.

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Article 62: The High Court shall be composed of twenty-one members, eleven of whom are chosen from among the members of the Court of Appeals and ten from among the members of the Council of State. The said members are elected by secret ballot by the plenary assemblies of each of these bodies. The members of the High Court elect by the same procedure a president and a vice-president.

Article 63: Trials shall be conducted by fourteen members and the president of the High Court, which shall reach its decision by majority vote. The remaining six members shall be considered as alternates, to be chosen by ballot, three from the Court of Appeals and three from the Council of State. The president and vice-president may not be chosen as alternates.

Article 64: The office of prosecutor-general of the High Court is filled by the Attorney General of the Republic.

Article 65: The decisions of the High Court are subject neither to appeal nor to annulment.

Article 66: The High Court shall apply only the provisions of existing laws in the examination of cases which are pleaded before it and in the judgments which it pronounces.

Article 67: The High Court is constituted when necessary by the Grand National Assembly of Turkey.

SECTION V

Public Law of the Turks

Article 68: All citizens of Turkey are endowed at birth with liberty and full right to the enjoyment thereof. Liberty consists in the right to live and enjoy life without offense or injury to others. The only limitations on liberty—which is one of the natural rights of all—are those imposed in the interest of the rights and liberties of others. Such limitations on personal liberty shall be defined only in strict accordance with the law.

Article 69: All Turks are equal before the law and are obliged to respect the law. All privileges of whatever description claimed by groups, classes, families and individuals are abolished and forbidden.

Article 70: Inviolability of person; freedom of conscience, of thought, of speech, of press; freedom of travel and of contract; freedom of labor; freedom of private property, of assembly, of association; freedom of incorporation, are among the natural rights of Turks.

Article 71: The life, the property, the honor, and the home of each and all are inviolable.

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Article 72: Personal liberty shall not be restricted or interfered with except as provided by law.

Article 73: Torture, corporal punishment, confiscation and extortion are prohibited.

Article 74: No one may be dispossessed of his property or deprived of the possession of his property except in the public interest. In such cases the actual value of the expropriated property must previously have been paid. No one shall be constrained to make any sort of sacrifice, other than such as may be imposed in extraordinary circumstances and in conformity with the law.

Article 75: No one may be molested on account of his religion, his sect, his ritual, or his philosophic convictions. All religious observances shall be free on condition that they do not disturb the public peace, or shock public decency or exist in violation of social conventions or the law.

Article 76: Except in specified cases and according to the form of procedure prescribed by law, the persons and the property of citizens shall be immune from search and molestation.

Article 77: The press is free within the limits of the law and shall not be submitted to any censorship previous to publication.

Article 78: The government shall not restrain the freedom of travel except during general mobilization or a state of siege, or following the declaration of an epidemic in the country.

Article 79: Limitations upon freedom of contract, labor, property, assembly, association and incorporation shall be determined by law.

Article 80: Subject to the supervision and control of the State, education in all its forms is free on condition that it conforms to the law.

Article 81: Letters, documents and packages transmitted through the mails may not be opened without an order from the Attorney General of the Republic and a decision of the competent court.

The secrecy of telephone and telegraphic communications likewise is inviolable.

Article 82: Any Turk, acting on his own behalf or on behalf of others, may address petitions and make complaints either to the competent authority or to the Grand National Assembly of Turkey concerning acts and circumstances which he considers contradictory to the law. Complaints or petitions may be offered by separate individuals or by several persons at the same time. The reply to an individual complaint must be given in writing to the person concerned.

Article 83: No one may be forced to appear before a court other than that to which he is subject by law.

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Article 84: Taxes are the contribution of the people toward the general expenses of the State. Any levy which does not contribute to the general expenses of the State, or any tax, tithe or contribution of any other nature imposed by individuals or by corporations other than the government or in the name of the government, is illegal.

Article 85: Taxes are levied in conformity with the law. Taxes and contributions received in conformity with usage, either by the State or by the local administration of the vilayets or municipalities, may continue to be collected until they have been regulated by law.

Article 86: When the Council of Commissioners takes cognizance of the danger or imminence of war, or of internal sedition or conspiracy or intrigues directed against the nation or against the Republic, it may decree martial law, which shall not exceed the duration of one month, in all or part of the Turkish territory. This measure shall then be submitted to the Assembly for its approval as soon as possible. The Assembly may prolong or diminish the duration of martial law. In case the Assembly be not in session, it shall be convened immediately in special session. Martial law consists of the suspension or temporary restriction of the inviolability of the person, the home, freedom of the press, correspondence, association and incorporation. The zone placed under martial law, as well as the provisions to be applied and the procedure to be followed in this zone, shall be determined by special law. The suspension or restriction of personal liberty and personal inviolability in time of war likewise shall be regulated by law.

Article 87: Primary education is obligatory for all Turks and shall be gratuitous in the government schools.

Article 88: The name Turk, as a political term, shall be understood to include all citizens of the Turkish Republic, without distinction of, or reference to, race or religion. Every child born in Turkey, or in a foreign land of a Turkish father; any person whose father is a foreigner established in Turkey, who resides in Turkey, and who chooses upon attaining the age of twenty to become a Turkish subject; and any individual who acquires Turkish nationality by naturalization in conformity with the law, is a Turk. Turkish citizenship may be forfeited or lost in certain circumstances specified by law.

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Section VI

Miscellaneous Provisions

Article 89: Turkey is divided into vilayets, based upon geographic situation and economic relationship. The vilayets [provinces or administrative districts] are subdivided into kazas [counties], the kazas into nahiyes [townships], the nahiyes into kassabas and villages.

Article 90: Each vilayet, together with its subdivisions, enjoys a separate entity.

Article 91: The affairs of the vilayets are administered and governed by law, in accordance with the principles of local autonomy and the separation of functions.

Government Officials and Employees

Article 92: Any duly qualified citizen of Turkey, in full possession of his rights of citizenship, is eligible to appointment as an official or employee of the government.

Article 93: The duties and privileges of government officials, including the procedure in their nomination and dismissal, shall be determined by special law.

Article 94: In cases of violation of the law, the obedience of a subordinate to the orders of his superiors does not diminish the responsibility of the subordinate.

Finance

Article 95: The proposed Budget (budgetary balance law) shall be placed before the Assembly at the opening of the session, that is, no later than the first of November.

Article 96: No expenditure of public funds may be made except as provided for in the Budget or authorized by special law.

Article 97: The Budget shall be adopted for one year only.

Article 98: The statement of final accounting shall give in detail the amounts of the receipts and expenditures during the fiscal year.

Article 99: The statement of final accounting must be placed before the Assembly without fail not later than the first of November of the second year following the end of the fiscal year which the report covers.

Article 100: A Special Court of Accounts shall be established to control the revenues and expenditures of the State on behalf of the National Assembly and in accordance with the law.

Article 101: The Court of Accounts shall present a statement of audit and verification within six months after the Commissioner of Fi-

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nance shall have submitted to the Assembly his statement of final accounting.

Amendments to the Constitution

Article 102: Amendments to or modifications of this Constitution may be made only upon the following conditions: The proposal to amend must be signed by at least one-third of the total number of deputies. The proposed amendment must be thereafter discussed by the Assembly and adopted by vote of two-thirds of the total number of deputies.

No proposal to alter or amend Article 1 of this Constitution, specifying that the form of government is a Republic, shall be entertained.

Article 103: None of the provisions of this Constitution may be arbitrarily modified on any pretext; neither may the enforcement of any provision be suspended.

No law shall be in contradiction to the Constitution.

Article 104: The Constitutional Law of 1878 (1293) together with its amendments and the Organic Law of January 30, 1921 (1337), and the amendments thereto are hereby annulled.

Article 105: The present Constitution shall be considered in force immediately upon publication.

Provisional Article

The sections of the law of December 19, 1923, regulating the status of military officials who have been elected or are eligible to election to the Grand National Assembly of Turkey, shall remain temporarily in force.

Voted and published April 20, 1924 (1340).

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UMPIRING THE FEDERAL SYSTEM, 1922–1924

THIS is a review of the more important Supreme Court decisions during the October terms of 1922 and 1923 which delimit the respective spheres of the nation and the several states in the federal system.[1] Some persons have the notion that this task of the court is one of constitutional interpretation. Whether they are right depends upon what one means by "interpretation". When the Supreme Court decides whether an exercise of state police or fiscal power is an unconstitutional regulation of interstate commerce or whether either the nation or a state has unconstitutionally interfered with a governmental instrumentality of the other, it must form its judgment without the aid of any language in the Constitution. Indeed the Constitution contains no verbal mandate to pass upon such issues at all. Yet unless the court in some way settled such disputes there would be recurrent clashing and not a little resulting chaos. The very existence of two governmental powers in the same territory demands that their respective functions be so arranged that the requisite degree of harmony shall reign. This cannot be done by broad pronouncements in advance of knowledge of the concrete situations which invite interference by one governmental power or the other or by both. Thus even where the Constitution announces that there are limits to the scope of national or of state power, it seldom sheds much light on the application of its announcement to particular circumstances. The judicial task of making this application is for the most part a task of statesmanlike umpiring of a game without any explicit rules. The considerations

[1] For similar reviews of Supreme Court decisions during the three preceding terms of court, see "The Supreme Court and the Constitution, 1919–1920", POLITICAL SCIENCE QUARTERLY, vol. 35, pp. 411–439; "Major Constitutional Issues in 1920–1921", POLITICAL SCIENCE QUARTERLY, vol. 36, pp. 469–500; and "The Supreme Court's Review of Legislation in 1921–1922", POLITICAL SCIENCE QUARTERLY, vol. 37, pp. 486–513.

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which determine decision are more often an understanding of practical situations, an appraisal of practical needs and a choice between competing policies than they are an interpretation of constitutional phraseology or a knowledge of legal lore.

This is apparent enough from the recital which is to follow. It explains why more attention is paid to what the court has dealt with, and how, than to what the court has said about the Constitution. It explains why no arrangement of judicial formulæ or of judicial doctrines can give a genuinely illuminating view of American constitutional law. It casts doubt on the wisdom of the movement to teach these formulæ and these doctrines to the children in the elementary school and to the immigrant whom we wish to make a desirable citizen. It shows why what we call constitutional law can be fairly appraised only in the light of an understanding of the realities of economic and social living. It indicates the qualifications called for in the men who as advocates and judges determine what our constitutional law shall be. It emphasizes that sound sense is more to be desired than skill in dialectics, that reasonableness must be the guardian of reasoning.

Cases on the outlines of the federal system fall into two groups: those marking the limits of national power, and those which decide whether a state is precluded from exercising its reserved power because of some competing power possessed or exercised by the nation. Thus described, the contest appears to be one between governments. Yet in many of the cases government is not a party litigant or represented by counsel, and in hardly any of the cases are the two governments, local and national, both appearing to advocate their respective claims. The national authority is maintained by individuals who wish to escape from state authority, and the state authority is exalted by those who wish to be free from the grip of the nation. With but few exceptions, one side of these great issues between state and nation is assumed only by a private litigant. It does not follow that the interest of a government in its sphere of action is not duly pressed by counsel animated by loyalty to a private interest. Able advocacy is not confined to public officials. Yet it still remains of some significance

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that the essentially public function of presenting to the court the claims of a public authority is left so often to private persons anxious to ward off the claims of a different public authority. This element in the mechanism of our American federalism shows how partial would be the work of a court of some larger federalism if such a court confined itself to cases in which both parties were governments. The work of our Supreme Court in deciding disputes formally between states or between a state and the United States is but a small part of the work by which it keeps the several governmental agencies from overlapping or clashing.

I. The Scope of National Authority

The question whether Congress has interfered with some governmental function of the states or whether a state has interfered with some governmental function of the United States is apt to involve a balancing of the respective weights of the two governmental functions concerned. Such is the situation in *Burns National Bank v. Duncan*[1] in which the majority held that Congress may authorize a national bank to act as executor whenever the state allows any bank to act as executor, even though the state confines its permission to trust companies subject to special supervision and seeks to exclude other state banks as well as all national banks. The case on its facts goes no farther than to hold that Congress may open the door to national banks whenever the state opens it to any competing banking institution, but the opinion of Mr. Justice Holmes contains broad expressions which might be taken to imply that Congress may confer this power on national banks even though a state withholds it from all banks. Justices Sutherland and McReynolds dissented in an opinion by the former which insists that the function of administering decedents' estates is exclusively a state function, so that the state has paramount power to decide who shall serve as agent of the state probate court in the process.

Intoxicating liquors, so it is said, are susceptible of being

[1] (1924) 265 U. S. 17, 44 Sup. Ct. 427.

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used for mechanical, medicinal, sacramental or beverage purposes. The first section of the Eighteenth Amendment tells us that they shall no longer be made, transported or sold for beverage purposes. The second section gives to Congress and the states concurrent power to pass appropriate legislation for enforcing the prohibition contained in the first section. Nothing daunted by the restrictive word "beverage" in the first section, Congress after some hesitancy forbade the dispensation of intoxicating beer for medicinal purposes. The question in *James Everard's Breweries v. Day*[1] was whether this was appropriate legislation for preventing the use of beer for beverage purposes. The Supreme Court said that it was. The idea seems to be that Congress may reasonably think that the only sure way to keep beer from being consumed for the fun of it is to keep it from being made at all. If this idea is extended to wine and spirits, as experience conceivably might dictate, it will appear that Congress might have saved the space which the word "beverage" takes up in the printed Amendment. We hear of sacramental wine being diverted into mundane channels. May Congress therefore suppress wine altogether? Another idea in the opinion is that whatever medicinal value may lurk in intoxicating beer inheres also in the stronger liquids which Congress still allows the sick. Can Congress by a creep-mouse, crawl-mouse method ban all intoxicating medicines except one? The third idea is that Congress might reasonably have thought that intoxicating beer really isn't medicinal, since there is debate about it and the United States Pharmacopœia doesn't list it as a medicine.

Without the aid of the Eighteenth Amendment Congress might forbid interstate and foreign transportation of strong drink. There is no doubt that the commerce power is enough to keep all ships from carrying liquor while in American territorial waters and probably to keep American ships from carrying it anywhere. Congress, however, has never explicitly sought such aridity. The question in *Cunard Steamship Co. v. Mellon*[2] was whether the general language of the Volstead

[1] (1924) 265 U. S. 545, 44 Sup. Ct. 628.

[2] (1923) 262 U. S. 100, 43 Sup. Ct. 504.

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Act should be construed to cover such carrying. This was thought to depend upon whether the Eighteenth Amendment applies to such carrying, since Congress apparently has intended to try to enforce the Amendment everywhere except in the Panama Canal. There was no dissent from the ruling that the Amendment does not apply to the high seas, since they are not part of the United States and since only by a figure of speech can American ships thereon be thought of as "territory" subject to the jurisdiction of the United States. Justices McReynolds and Sutherland objected, however, to the other ruling of the majority that the Amendment applies to foreign ships in American territorial waters. The latter declared that the words should be interpreted in the light of established principles of international comity under which foreign ships even in our waters are free from our control over matters of internal discipline. He pointed out also that under the Amendment the states have the power over foreign ships in their harbors if Congress has it and argued that it could not have been designed to authorize the states thus to embroil us in international complications and that therefore the Amendment does not apply to foreign ships at all. For the majority Mr. Justice Van Devanter laid down that territorial waters are within the sovereign jurisdiction of the United States and that there is no reason to believe that the Amendment does not apply everywhere that it might apply. He added that any real carrying from place to place is transportation even when undertaken in one's own conveyance for one's own personal use.

Congress has at various times heeded the maxim: "If at first you don't succeed, try, try again." After it failed to get Supreme Court approval of an exclusion from interstate transportation of the products of factories in which children worked,[1] it sought to deter the employment of children by an extra income tax on the profits of the employers. This second effort was also frowned upon by the court.[2] At the same time the

[1] Hammer v. Dagenhart (1918) 247 U. S. 251, 38 Sup. Ct. 529.

[2] Bailey v. Drexel Furniture Co. (1922) 259 U. S. 20, 42 Sup. Ct. 449, POLITICAL SCIENCE QUARTERLY, vol. 37, p. 487.

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court killed what purported to be a tax of twenty cents a bushel on grain sold for future delivery except under the requirements set forth in the statute.[1] The prescription of the incidents which determined taxability was held to make the Future Trading Act a regulatory rather than a fiscal measure, and the effort to sustain it as a regulation of interstate commerce was unsuccessful because the court found that the sales in question were intrinsically intrastate and that Congress had not purported to declare that their regulation was necessary to the regulation of interstate commerce in the entire migration of the grain from the fields to the table. At the same time the court hinted rather plainly that Congress might so declare and might thereby succeed in regulating these Chicago sales under its power over interstate commerce. The hint had added force because at the same term the court sustained the Packers and Stockyards Act which used the power over interstate commerce to regulate sales in stockyards which, though intrinsically intrastate, nevertheless had a direct effect on the course of commerce from ranch to plate.[2]

Mindful of these hints, Congress on September 21, 1922, enacted the Grain Futures Act which confined transactions for the sale of grain futures and allied transactions to designated "contract markets" subject to the supervision of named national officers. One section of the act contained a literary description of the baneful effects on interstate commerce of unregulated sales of grain futures and indicated plainly the purpose of Congress to deal with these intrinsically local transactions in order to safeguard interstate commerce from burdens and obstructions. This was sustained as a proper exercise of the commerce power in *Board of Trade v. Olsen*[3] in an opinion by Chief Justice Taft which in the main followed his earlier opinion sustaining the Packers Act. The Chief Justice reviewed at

[1] Hill v. Wallace (1922) 259 U. S. 44, 42 Sup. Ct. 96, POLITICAL SCIENCE QUARTERLY, vol. 37, p. 488.

[2] Stafford v. Wallace (1922) 258 U. S. 495, 42 Sup. Ct. 397, POLITICAL SCIENCE QUARTERLY, vol. 37, p. 490.

[3] (1923) 262 U. S. 1, 43 Sup. Ct. 470. Justices McReynolds and Sutherland dissented without opinion.

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length the factual situation by way of demonstration that Congress was justified in regarding these local contracts as so directly related to interstate commerce that their regulation is essential to the effective regulation of the course of commerce concededly interstate. He declared that it did not matter that the grain sales were in a building not associated with transportation facilities as were the stockyards, nor that the grain sold on the Chicago market was at the moment sufficiently withdrawn from interstate transportation to make it subject to state taxation. The case affords an interesting illustration of the readiness of the court to approve of national power to lay hold of local adjuncts of interstate trade and transportation to afford a fair field for traders, consumers, shippers and carriers, as contrasted with its reluctance to sanction national power to lay hold of interstate transportation to protect children whose employment is economically dependent upon such transportation.

Several cases arising under the Sherman Law involved the question whether the trade restrained was interstate. Over the dissent of Justices McKenna, Van Devanter and Butler the court refused to find a strike in a manufacturing plant to be a restraint of interstate commerce even though ninety per cent of the manufactured product customarily went to other states.[1] On the other hand *Binderup v. Pathé Exchange*[2] held the Sherman Act applicable to contracts between distributors and exhibitors of films even though the distributor instead of sending the films directly to exhibitors in other states sent them to their own agencies which then turned them over to the exhibitor in the same state. In *Ramsey Co. v. Associated Bill Posters*,[3] also, a combination of bill posters was held to be in restraint of interstate trade and not merely of the local service of posting, where the necessary effect of the joint agreement of posters in several states was to restrict the interstate shipment of the bills to channels dictated by the confederates. In

[1] United Leather Workers v. Herkert Trunk Co. (1924) 265 U. S. 457, 44 Sup. Ct. 623.

[2] (1923) 263 U. S. 291, 44 Sup. Ct. 96.

[3] (1923) 260 U. S. 501, 43 Sup. Ct. 167.

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Hart v. Keith Exchange[1] it is held that there is enough possibility that booking agencies for vaudeville performers who travel from state to state are engaged in interstate commerce so that the district court should not have denied jurisdiction on the ground that the case could not be one arising under the Sherman Act.

In its endeavor to improve the situation of the railroads as a whole the Transportation Act of 1920 had to face the problem of enabling the weak to survive without adding unduly to the strength of the strong. One device was to authorize the Interstate Commerce Commission to take account of the relative financial condition of connecting lines in fixing their respective divisions of rates for hauls in which two or more participated. Of course the stronger lines objected to any such benevolence which seemed to be at their expense even when their resulting share was all that they needed to earn their "fair return on a fair valuation". They contended in *The New England Divisions Case*[2] that this was in effect taking money out of their pockets and apparently thought this outside of the scope of the commerce power as well as a violation of the Fifth Amendment. Mr. Justice Brandeis answered that this was an essential part of the plan to foster the welfare of the roads as a whole and that it could be regarded as a corollary of the general raising of rates which had taken place.

Another provision of the Transportation Act required roads which earned an amount deemed to be in excess of a "fair return on a fair valuation" to hold one-half of the excess for certain restricted uses and to turn over the other half to the Interstate Commerce Commission to be used in making loans to needy carriers and in buying facilities and equipment to be leased to lines which have need of them. In sustaining this provision in *Dayton-Goose Creek Railway Co. v. United States*,[3] Chief Justice Taft said that it is a way of fostering commerce and therefore a regulation of it. The complainant had argued

[1] (1923) 262 U. S. 271, 43 Sup. Ct. 540.
[2] (1923) 261 U. S. 184, 43 Sup. Ct. 270.
[3] (1924) 263 U. S. 456, 44 Sup. Ct. 169.

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that it is a taking of money after commerce is over and so not within the commerce power. The Chief Justice denied that the excess received was the full property of the recipient and he likened the recapture provision to an initial imposition of rates which would keep the excess from coming into existence. The acquisition of a share of the excess by the government was condoned as not a denial of due process and it must therefore have been regarded also as proper exercise of either the commerce power or the taxing power. The inclusion of intrastate earnings in the amount recaptured was said to be a part of the incidental control over intrastate commerce which had been sanctioned when the Interstate Commerce Commission was allowed to raise intrastate rates to the level of interstate rates.[1]

While it is a declared canon that state taxation is not taxation unless it is for a public purpose and there is fairly satisfactory judicial machinery for preventing states and municipalities from overstepping these amorphous limits, there has never been a case in which the judiciary has set a constitutional limit to the expenditure of public moneys by the United States. The declared objects of national taxation are "to pay the debts and provide for the common defence and general welfare of the United States." Debts have been held to include moral obligations and it has been observed that ordinarily Congress must be the judge of whether a moral obligation exists.[2] There has been much political debate as to whether Congress may devote funds to objects with respect to which it may not otherwise legislate. The proponents of the power have frequently won in practice and there is no judicial decision to say them nay.

The issue was raised in *Massachusetts v. Mellon*[3] in cases brought against the Secretary of the Treasury by a state and by a citizen of a state and taxpayer of the United States to enjoin the enforcement of the so-called Maternity Act under

[1] Railroad Commission v. Chicago, Burlington & Quincy R. Co. (1922) 257 U. S. 563, 42 Sup. Ct. 232, and New York v. United States (1922) 257 U. S. 591, 42 Sup. Ct. 239, POLITICAL SCIENCE QUARTERLY, vol. 37, pp. 488–490.

[2] United States v. Realty Co. (1896) 163 U. S. 427, 16 Sup. Ct. 1120.

[3] (1923) 262 U. S. 447, 43 Sup. Ct. 597.

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which the national treasury is to make appropriations to the states to be expended under joint national and state supervision for reducing maternal and infant mortality and protecting the health of mothers and infants. The constitutional objections advanced against this legislation were that its purposes are not national but local, that it encroaches upon the sovereign powers of the states in violation of the Tenth Amendment, that it imposes unequal burdens on the citizens of different states, and that it takes the property of taxpayers in violation of the Fifth Amendment. None of these questions was considered by the Supreme Court, since both cases were dismissed for want of federal jurisdiction. The opinion on these points makes it exceedingly doubtful whether ingenuity can devise any judicial proceeding in which such issues will be determined. Constitutional objections to national expenditures seem destined to suffer starvation from procedural inanition.

The claim of Massachusetts was that her sovereign powers were invaded. To this it was suggested by Mr. Justice Sutherland that she was merely offered an option. Her only complaint was of being tempted. This implies that the state has no substantive rights in the issue, but this is not the ground of the decision. The announced reason for denying jurisdiction was that whatever interests Massachusetts might have at stake are ones involving "abstract questions of political power, of sovereignty, of government", rather than "rights of persons or property", of "dominion over physical domain", or "quasi-sovereign rights actually invaded or threatened". Something in the nature of some of these latter rights is necessary to raise a justiciable issue. Massachusetts brought an original proceeding in the Supreme Court which is given original jurisdiction where a state is a party. This original jurisdiction, however, does not entitle a state to begin a suit unless it is a case or controversy to which the federal judicial power extends either by reason of the character of the parties or the nature of the subject-matter. The provision merely indicates what controversies to which the judicial power extends can be initiated in the Supreme Court and it does not add to the scope of the judicial power.

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The suit by the individual taxpayer was dismissed for lack of a sufficient basis for equitable interposition. Mr. Justice Sutherland pointed out that the interest of an individual taxpayer in any federal expenditure is minute and indeterminable and that the effect of any expenditure upon future taxation is "so remote, fluctuating and uncertain that no basis is afforded for an appeal to the preventive powers of a court of equity." He referred also to the bother that would ensue if every individual taxpayer could bring into question the constitutionality of every provision in every appropriation act. Some of these considerations would certainly apply to litigation in which a taxpayer resists payment of a tax or seeks to recover back a payment made under protest. The effect of the opinion is therefore broader than the mere denial of equitable relief. Mr. Justice Sutherland closes with a discussion of the restricted power of the judiciary in respect to the method of passing upon constitutional issues and declares that to entertain the suit before the court "would be not to decide a judicial controversy, but to assume a position of authority over the governmental acts of another and co-equal department—an authority which plainly we do not possess." Thus the decision seems to be one of constitutional law as well as of general equitable jurisdiction.

In two suits between states in which the jurisdiction of the court was contested, the nature of the controversy was found to be such as to bring it within judicial controversy. In *Pennsylvania v. West Virginia*,[1] which declared unconstitutional an effort of the latter state to keep natural gas at home, the interest of the plaintiff state was found to be sufficient to entitle it to maintain suit, both because its public institutions would be seriously affected by the loss of desired gas and because its interest in the health, comfort and welfare of its inhabitants who would suffer from West Virginia's selfishness is one "apart from that of the individuals affected" and is "not merely a remote or ethical interest but one which is immediate and recognized by law". Justices Brandeis and McReynolds dissented, the latter briefly and none too lucidly, the former

[1] (1923) 262 U. S. 553, 43 Sup. Ct. 658.

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elaborately. Mr. Justice Brandeis thought that until the law actually begins to hurt there is no justiciable controversy and he pointed out a number of contingencies which might arise to save the complaining state from being actually adversely affected.

The court was unanimous in *North Dakota v. Minnesota*[1] in holding that an act of one state which results in flooding the farms of another touches an interest of the latter as quasi-sovereign "in the comfort, health and prosperity of its inhabitants" which entitles it to bring an original action in the Supreme Court. Here the injury had actually occurred before the action was brought. The complaining state asked not only for an injunction but for damages for its inhabitants. Denial of jurisdiction over this part of the plaint was predicated on an earlier case in which one state had unsuccessfully sought to collect from another debts due to its inhabitants after such debts had been assigned to the state for the purpose of collection and disbursement among the individual assignors.[2] Such an action was declared by the Chief Justice to be in substance one brought against a state by citizens of another state in clear contravention of the prohibition of the Eleventh Amendment.

The scope of the federal judicial power arose also in *Keller v. Potomac Electric Power Co.*,[3] which held that it does not extend to the revision of administrative orders fixing rates in the District of Columbia, since this is an exercise of administrative or legislative and not of judicial power. Therefore on appeal the Supreme Court cannot do more than pass upon questions of law appearing on the record. The effort of Congress to extend the jurisdiction so as to include the power to issue a modified order was held unconstitutional. This does not apply to the vesting of such supervisory work in the courts of the District, since Congress in legislating for the District is exercising a power of exclusive legislation analogous to the residuary and undefined powers of the several states over their

[1] (1923) 263 U. S. 364, 44 Sup. Ct. 138.

[2] New Hampshire v. Louisiana (1882) 108 U. S. 76, 2 Sup. Ct. 176.

[3] (1923) 261 U. S. 428, 43 Sup. Ct. 445.

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respective areas. Subject to the limitations in favor of individual liberty, Congress may endow the courts of the District with a variety of powers and jurisdiction not limited to those to which the genuinely federal judicial power is restricted.

II. The Limits of the Reserved Powers of the States

The Constitution contains but few restrictions on the states which have for their object the prevention of encroachment on the field allocated to the nation. The states do not look to the Federal Constitution for the source of their powers, and therefore the problem of their place in the federal system is one of determining to what extent and in what particulars state authority has been foreclosed or superseded by the existence or the exercise of national authority. This problem has to be solved by the Supreme Court without appreciable aid from the Constitution. It is presented most frequently by state prescriptions which are objected to as regulations of interstate commerce. Though the court seldom has any difficulty in discerning the applicable so-called principle, since that principle is in substance but little more than that the states can regulate interstate commerce some but not too much, there arise from year to year novel situations presented by novel state statutes and the bite of the principle can be known only from an enumeration of its applications.

A. *State Taxes and Interstate Commerce*

One of the favorite sports of the predecessors of this review has been to take note of the wanderings and confusion and contradictions in opinions on state taxation of the sale of goods in the original package in which they had arrived from another state. Quite plainly the court let not its right eye know where its left eye was looking when at the same term of court it sustained a specific occupation tax on selling ginger ale and invalidated a gross receipts tax on sales of oil.[1] The next term found another oil case which went the same way as its prede-

[1] Political Science Quarterly, vol. 35, pp. 424–425.

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cessor.[1] A year later came a third oil case in which there was a clear dictum that henceforth the ginger-ale principle was to reign.[2] So it turns out in *Sonneborn Brothers v. Keeling*,[3] which lays down squarely that the precedents allowing taxation of goods as soon as they have come to rest in a state require that the same sanction be accorded to taxation of the occupation of selling them or of the gross receipts from the sale. Chief Justice Taft with characteristic urbanity deals gently with the prior intimations to the contrary and attributes the confusion in part to the fact that the court was not explicitly advised by counsel that the sales in question occurred after the goods had completed their interstate entrance. This can hardly excuse the court for not inquiring into the matter for itself and ordering the court below to decide one way or the other according to the facts that might appear. It is surprising that the court should find more comfort in the thought that it did not know what it was deciding or what it was talking about than in the thought that it knew both but overlooked the precedents and the considerations which would have induced it to decide differently. While the Chief Justice is not fully persuaded that any of the exemptions were accorded to sales after arrival, he is aware that the language of the opinions warranted the inference that such sales are entitled to exemption if in original packages, and he declares that such exemption is not "justified either in reason or previous authority". He makes no reference to *Phipps v. Cleveland Refining Co.*,[4] which only two months earlier had affirmed the decree of the district court which, in reliance on prior but now discredited Supreme Court decisions and opinions, had stated explicitly that goods in the original packages in which they have arrived from other states "are protected by the commerce clause of the Constitution against excessive inspection fees, until after their sale at the point of destination within the state." This certainly was the

[1] POLITICAL SCIENCE QUARTERLY, vol. 36, pp. 480–481.

[2] POLITICAL SCIENCE QUARTERLY, vol. 37, pp. 500–501.

[3] (1923) 262 U. S. 506, 43 Sup. Ct. 643.

[4] (1923) 261 U. S. 449, 43 Sup. Ct. 418.

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law as to oil, until the Supreme Court discovered what it had been doing and established the contrary in the Sonneborn Case.

It has long been established that commerce cannot begin until after manufacture and analogous creative processes have been completed. The states may tax these processes and the products even though the latter are destined for other states. In observance of this principle *Lacoste v. Department of Conservation*[1] sustained a so-called severance tax of two per cent on the value of hides severed from fur-bearing animals within the state. It was said not to matter that the tax was for convenience imposed on the dealer rather than the hunter and skinner or that the dealer sent most or all of the hides to other states. Similarly *Oliver Iron Mining Co. v. Lord*[2] sustained an excise of six per cent on the value of ore extracted, although most of the ore was mined after contracts to send it to other states and much of it was shoveled directly from the pits to the cars. So also a special Pennsylvania property tax of two and one-half per cent on the value of anthracite when prepared for the market was upheld in *Heisler v. Thomas Colliery Co.*,[3] although Pennsylvania may have a substantial monopoly of anthracite, so that the burden of the tax is easily shifted to consumers, most of whom are in other states. In this case the attorneys general of several consuming states joined in the protest, but without avail.

If, however, property is actually in the course of an interstate journey, it is immune from state taxation. It is regarded as still in the course of its journey if its halting is no more than what is imposed by the available facilities for travel. If it stops to enjoy some independent local advantage, then the journey is broken and immunity is lost. The situation in *Champlain Realty Co. v. Brattleboro*[4] was that logs put into a small Vermont stream were gathered at its mouth until the connecting Connecticut River subsided sufficiently so that they

[1] (1924) 263 U. S. 545, 44 Sup. Ct. 186.
[2] (1923) 262 U. S. 172, 43 Sup. Ct. 526.
[3] (1922) 260 U. S. 245, 43 Sup. Ct. 83.
[4] (1922) 260 U. S. 366, 43 Sup. Ct. 146.

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could be retained safely at a boom by a New Hampshire mill. The boom was big enough for the annual drive and would hold the logs safely as soon as the waters of the Connecticut ceased their turbulence. The Vermont court had thought that the interstate journey did not begin until the logs left the first boom, but the Supreme Court deemed their halt there to be dictated solely by conditions of travel and so held that they made a continuous trip from their first dip in the Vermont stream to their destination at the New Hampshire mill and were therefore entitled to exemption while en route.

Among the allowable ways of imposing economic burdens on interstate commerce are taxes on net income and a tax on gross receipts as a fair substitute for a property tax. The latter form of tax was sustained in *Pullman Co. v. Richardson*,[1] in which there seemed to be nothing novel, since it was conceded that the tax was not higher than the amount which might be imposed as an ordinary tax on the property valued as a going concern, and since there was no contention that the passenger mileage ratio allocated to the taxing state more than the proper fraction of the total receipts from all the states. A complaint against a provision for ousting corporations which did not pay was set aside because no ouster had been sought against the complainant and because the state court might possibly construe it as confined to ouster from intrastate business. Mr. Justice Van Devanter observed, however, that ouster from interstate commerce would be invalid even as a means of inducing payment of a valid tax. The only novel element in the net income tax sustained in *Atlantic Coast Line Railroad Co. v. Daughton*[2] was that it was on the net income of the railroad business rather than on the net income of the carrier conducting the business, but the court held that the state may treat the operated railroad property within the state as an entity and not concern itself with deduction of interest charges and rentals paid.

Other proper ways of imposing tax burdens which may take

[1] (1922) 261 U. S. 330, 43 Sup. Ct. 366.

[2] (1923) 262 U. S. 413, 43 Sup. Ct. 620.

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toll from interstate commerce are franchise taxes on the privilege of doing local business or on the privilege of being a domestic corporation. A tax of the former type equal to one per cent of the value of the company's property within the state was successfully imposed on both foreign and domestic corporations in *Southern Railway Co. v. Watts*,[1] in the absence of any showing that the aggregate burden of this and of a property tax and an income tax operated to obstruct interstate commerce. The franchise tax on the right to be a domestic corporation which was sustained in *Schwab v. Richardson*[2] was assessed by taking the value of the corporate stock less the value of all the tangible property. This made the tax in substance one on the so-called corporate excess. Since the state has a recognized jurisdiction to tax intangibles to the owner at his domicile so far as the Fourteenth Amendment is concerned, the company here was seeking to secure a contrary result under the commerce clause when it based its case on the complaint that these values in the nature of a capitalization of earning power were in large part due to earnings outside of the taxing state. Mr. Justice McKenna was content to dismiss the complaint on authority and did not in any way confine the decision to the situation before him in which the property was used largely on the high seas where it would escape taxation.

Two cases illustrate the line drawn between a valid license tax on doing local business and an invalid license tax on doing interstate business. In *Raley & Brothers v. Richardson*[3] a statute imposing a flat tax of $100 upon brokers and commission merchants had been construed by the state court as not intended to apply to those who confine themselves to interstate commerce. This construction was accepted by the Supreme Court and the tax was therefore regarded as one exclusively on local business and sustainable as such even against brokers whose interstate business was carried on in the same establishment as their local business and constituted by far the greater

[1] (1923) 260 U. S. 519, 43 Sup. Ct. 192.

[2] (1923) 263 U. S. 88, 44 Sup. Ct. 60.

[3] (1924) 264 U. S. 157, 44 Sup. Ct. 256.

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part of the total business done. On the other hand, the business done by a company acting as steamship agent in *Texas Transport Co. v. New Orleans*[1] was concerned only with shipments in interstate or foreign commerce and therefore was regarded by the majority as being exclusively non-local and so not subject to a license tax assessed on an ascending scale of specific amounts according to the gross receipts from the business done. Mr. Justice Brandeis, in a dissenting opinion in which Mr. Justice Holmes concurred, sought to escape from an earlier decision exempting an agent having to do solely with the interstate business of a railroad by emphasizing the fact that in the case at bar the complainant was an independent contractor and not an agent and was therefore one degree removed from direct participation in interstate commerce. He urged that, if this difference were deemed insufficient to distinguish the cases, the older case should be frankly overruled. The later trend of the cases, he insisted, allows interstate commerce to be taxed in various ways where the burden is deemed indirect, as in the case of taxes on property and on net income or of an occupation tax on selling goods of past extra-state origin. He regarded the burden of the present occupation tax as no more direct and as therefore a legitimate one under the substantial policy of recent decisions.

B. *State Police Measures and Interstate Commerce*

Efforts of states to conserve natural products for home consumption have in the past met with varying success. On the basis of technical reasoning states have been allowed to keep dead game and running water from being sent to other states. Some years ago Oklahoma failed in an effort to establish a preference for home consumption of natural gas. In line with this ruling *Pennsylvania v. West Virginia*[2] declared unconstitutional a statute of the latter state which required all persons distributing natural gas for public use to furnish the same for use within the state so far as the supply permits and which

[1] (1924) 264 U. S. 150, 44 Sup. Ct. 242.

[2] (1923) 262 U. S. 553, 43 Sup. Ct. 658.

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authorized the public service commission to compel companies which have more than they need for their West Virginia demand to deliver gas to other companies whose supply for domestic consumption is inadequate. For the majority Mr. Justice Van Devanter branded the statute a plain attempt to discriminate against interstate commerce in the form of transportation. To the idea that the state's control over public utilities warranted such designation of the territory to be served, he answered that the duty of the utility to serve is the same in all states and that West Virginia's effort is no more justifiable than an order to a railroad "to haul intrastate coal to the exclusion of interstate coal". Without mention of the game and water cases he adduced the prior gas case in support of the assertion that the power of the state to conserve its natural resources affords no warrant for an assumption of the power to regulate interstate commerce by discriminating against it. Mr. Justice Holmes, in dissenting, insisted that the statute addressed itself to gas still to be collected and prior to any commerce therein. He thought that the statute finds sufficient support in the cases allowing game, water and green lemons to be kept in their home states and declared broadly that "the Constitution does not prohibit a state from securing a reasonable preference for its own inhabitants in the enjoyment of its products even when the effect of its law is to keep property within its boundaries that otherwise would have passed outside." Mr. Justice Brandeis said that the statement of Mr. Justice Holmes seemed to him unanswerable, but he and Mr. Justice McReynolds confined their formal dissents to the decision of the majority on the issue of jurisdiction.[1]

Absence of state power to forbid the interstate movement of natural gas was relied on in *Missouri v. Kansas Natural Gas Co.*[2] to support the ruling that the state of destination cannot regulate the price of natural gas furnished from a supply company from without the state to a distributing company within the state. It was recognized that a state may regulate the price

[1] See *supra*, p. 111.

[2] (1924) 265 U. S. 298, 44 Sup. Ct. 544.

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for local delivery to consumers even though the gas gets from the well to the jets by a factually and financially uninterrupted course. This is interstate commerce, but the state may regulate it until Congress does. Such wholesale delivery to a distributor as that involved in the present case was, however, declared to be the kind of interstate commerce that is free from state control even when Congress has not acted. Mr. Justice Sutherland recognized the desirability of price regulation, but he insisted that the paramount interest is national rather than local and that uniformity of regulation, even though it be the uniformity of non-regulation, may be highly desirable to preserve equality of opportunity among the various states. This case and the preceding one indicate the need for federal action to secure a satisfactory adjustment of the interests of supply states and consuming states.

A problem not likely to arise in the future, now that the Transportation Act allows the Interstate Commerce Commission to maintain intrastate rates at the general level of interstate rates, arose in *Baltimore & Ohio S. W. Ry. Co. v. Settle*[1] in which the sum of an interstate rate and a local rate was less than the through interstate rate and a shipper sought to take advantage of this by billing cars to the first point in the second state and then, without any unloading, rebilling them to the second point which was from the beginning the destination designed. Mr. Justice Brandeis declared that whether a shipment is intrastate or interstate depends upon the essential character of the movement and is not necessarily concluded by the contract or contracts made with the carrier. Here the conceded intention of the shipper, plus the fact that he had no place of business at the first point to which he consigned the cars, was thought to be enough to make it clear that the two formal shipments were in substance one through interstate shipment. Mr. Justice McReynolds dissented without opinion.

In several cases national regulation of interstate commerce was held to preclude state statutes or state common law from having application to such commerce. In *Railroad Commis-*

[1] (1922) 260 U. S. 166, 43 Sup. Ct. 28.

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sion v. Southern Pacific Co.[1] the Transportation Act with its authority to the Interstate Commerce Commission over joint terminals and extensions and the issue of securities was thought to deprive a state commission of power to order a new union station in Los Angeles when the enterprise with its connecting tracks would cost in excess of $25,000,000. *American Railway Express Co. v. Levee*[2] refused to allow a state court to apply a state rule as to burden of proof as to cause of loss and thereby to make the action for loss of goods one of wrongful conversion so as to defeat the limitation of liability sanctioned by federal law. A similar result was reached in *American Railway Express Co. v. Lindenburg*,[3] where the state court had refused to allow limitation of liability and learned from the Supreme Court that it had been wrong in thinking that the facts that the shipper had not signed the receipt and that the receipt was not in the precise form authorized by the Interstate Commerce Commission were enough to withdraw the case from the federal rule.

So also in *Kansas City Southern Railway Co. v. Van Zant*[4] a common-law rule applied by a state court to defeat a stipulation in a pass which put upon the passenger the risk of accident was made to yield to the contrary common-law rule congenial to the United States Supreme Court, because the pass was for an interstate journey and was therefore subject to federal law. All that the Hepburn Act had done was to forbid the issuance of passes except to designated classes of persons. The injured Miss Van Zant was within one of the excepted classes and her enjoyment of a pass was therefore legal under the federal statute. For this reason the state court had held that she was not subject to the federal rule. But Mr. Justice McKenna insisted that "free passes in their entirety are taken charge of, not only their permission and use, but the limitations and conditions upon their use; or to put it another way, and to specialize, the

[1] (1924) 264 U. S. 331, 44 Sup. Ct. 376.
[2] (1923) 263 U. S. 19, 44 Sup. Ct. 11.
[3] (1923) 260 U. S. 584, 43 Sup. Ct. 206.
[4] (1923) 260 U. S. 459, 43 Sup. Ct. 176.

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relation of their users to the railroad which issued them, the fact and measure of responsibility the railroad incurs by their issue, and the extent of the right the person to whom issued acquires, are taken charge of."

State control of the conduct of interstate trains came before the court in two cases which went in different ways. *Frese v. Chicago, Burlington & Quincy R. Co.*[1] allows application to a state statute which requires engineers approaching other trains at grade crossings to stop and make sure that the way is clear before going on. *St. Louis-San Francisco Ry. Co. v. Public Service Commission*[2] found an undue burden on interstate commerce in a state order compelling the stopping of two interstate trains at night at a village of some 2,500 souls. Mr. Justice McKenna thought that the local needs could be adequately served by the day trains which were available. It is absurd that such cases should take up the time of the Supreme Court when Congress might take care of the problem by requiring such state orders to have the consent of the Interstate Commerce Commission.

It is a bother to be sued and still more of a bother to be sued a long way from home. Nevertheless Minnesota was so hard-hearted as to authorize suits against railroads by service on any agent who solicits business. In *Davis v. Farmers' Co-operative Equity Co.*[3] it was held to be an unconstitutional regulation of interstate commerce to apply this statute to a suit brought in Minnesota by one Kansas corporation against another on a cause of action that had nothing to do with Minnesota. Mr. Justice Brandeis carefully left undecided the questions whether the same ruling would be applied to a suit by a resident of Minnesota or to a suit arising out of a transaction entered upon within Minnesota. He recognized that the ordinary process of the courts may run against foreign corporations engaged exclusively in interstate commerce, but the defendant here was without the scope of ordinary process

[1] (1923) 263 U. S. 1, 44 Sup. Ct. 1.

[2] (1923) 261 U. S. 369, 43 Sup. Ct. 380.

[3] (1923) 262 U. S. 312, 43 Sup. Ct. 556.

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because it neither owned nor operated any railroad within the state. This case was followed in *Atchison, Topeka & Santa Fe Ry. Co. v. Wells*[1] which saved a foreign corporation doing no business in Texas and having no agent or property there from a suit brought in Texas by a citizen of Colorado on a cause of action arising in New Mexico in which the Texas jurisdiction was sought to be based on garnishment and attachment proceedings against a Texas corporation in possession of cars of the foreign defendant and owing balances to it.

C. *Miscellaneous*

The cases on other issues of state encroachment on the national field or of state interference with national instrumentalities are of comparative unimportance and depend for the most part on the characteristics of the national instrumentality involved or on the precise exercise of national power that has been indulged in. It is elementary that a national treaty precludes application of any inconsistent prior or subsequent state law. Thus treaties with Japan were found to frustrate state effort to withhold from a Japanese subject a license to be a pawnbroker,[2] but not to be inconsistent with state exclusion of Japanese subjects from the acquisition of an interest in agricultural land.[3] The mythical uniform maritime law somehow supposed to have been adopted by the Constitution and made immune from state intrusion was held to save an employer of stevedores from being compelled to contribute to a state workmen's compensation fund[4] but not to forbid state application to maritime contracts of a statute authorizing state courts to enforce contracts for arbitration.[5]

It has already been noted that a state may not forbid a national bank to act as executor if it permits any other banks

[1] (1924) 264 U. S. 101, 44 Sup. Ct. 469.

[2] Asakura v. Seattle (1924) 265 U. S. 332, 44 Sup. Ct. 515.

[3] Terrace v. Thompson (1923) 263 U. S. 197, 44 Sup. Ct. 15; Porterfield v. Webb (1923) 263 U. S. 225, 44 Sup. Ct. 21; Webb v. O'Brien (1923) 263 U. S. 313, 44 Sup. Ct. 112; Frick v. Webb (1923) 263 U. S. 326, 44 Sup. Ct. 115.

[4] Washington v. Dawson & Co. (1924) 264 U. S. 219, 44 Sup. Ct. 302.

[5] Red Cross Line v. Atlantic Fruit Co. (1924) 264 U. S. 109, 44 Sup. Ct. 274.

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to exercise this function.[1] While it may demand ordinary compensatory fees for recording mortgages issued to federal farm-loan banks, it may not apply to the recording of such mortgages an excise tax levied for revenue purposes.[2] Nor can it apply to national banks a law providing for the escheat to the state of bank deposits after twenty years of quiescence.[3] On the other hand, neither the Constitution nor any existing law of Congress prevents a state from authorizing state banks under certain conditions to pay by exchange draft rather than in cash such checks as are presented to it by or through any federal reserve bank, express company or post office,[4] or from applying to national banks a statute forbidding branch banking.[5] Several cases settled issues of state taxation of Indian lands and of state police interference with the Indians or their lands, but these are too unimportant for mention or too involved for summary statement. Here as elsewhere petroleum gushes forth to give rise to controversy.

Whatever these cases on alleged state encroachment on various national instrumentalities and national powers may lack in general importance and interest, they make up in multitude and intricacy. Litigants are frequently charging that a state has wrongly interfered with national exclusiveness or national supremacy in respect to patents, bankruptcy, admiralty, treaties, liquor, public lands, Indians, national banks, taxation and finance, government-owned corporations and government-controlled railroads. More numerous still are issues involving the respective spheres and powers of state and federal courts. Most of the cases make dreary work for a reporter and for a reader, and they must make dreary work for the justices of the Supreme Court. The utterances of Congress are seldom so explicit that they designate distinctly all the details within them.

[1] Burns National Bank v. Duncan, footnote 1, p. 103, *supra*.

[2] Federal Land Bank v. Crossland (1923) 261 U. S. 374, 43 Sup. Ct. 385.

[3] First National Bank v. California (1923) 262 U. S. 366, 43 Sup. Ct. 602.

[4] Farmers' & Merchants' Bank v. Federal Reserve Bank (1923) 262 U. S. 649, 43 Sup. Ct. 651.

[5] First National Bank v. Missouri (1923) 263 U. S. 640, 44 Sup. Ct. 213.

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and without. Still less do they announce how far and in what respects they imply monitions against further exercise of the various powers of the states. Often the court has to try to think what Congress would have thought if it had thought far enough to think about something that was not in fact in its thoughts at all. This means that in many cases the court is a supplementary legislature to decide what law to make.

The judicial umpiring of the federal system is thus neither a mechanical nor an easy enterprise. One who observes its difficulty and its magnitude must wonder that the Supreme Court comes so close to keeping pace with its docket. There is judicial work enough for at least two Supreme Courts. It is not wholly satisfactory to reduce the work of the Supreme Court by widening the realm in which the jurisdiction of the Circuit Courts of Appeal is final, subject only to discretionary review by the Supreme Court. If nine judges can frequently disagree, nine Circuit Courts of Appeal can frequently disagree.

Some day we may think it wise to try the experiment of a single court intermediate between the Circuit Courts of Appeal and the Supreme Court. To this single court might come direct appeal from all the District Courts on all issues of the construction of federal statutes, as now we have direct appeal to the Supreme Court on issues of constitutional law. It is hard to see what harm could come from having this court the final authority on the interpretation of federal statutes as the state courts are the final authorities on the interpretation of state statutes. A court devoted wholly or mainly to the construction of Acts of Congress would be kept busy enough to earn the meagre salaries paid to the members of the federal judiciary, even if during term time they found a month or more for general reflection and study. If the result were to accord corresponding periods of contemplation to members of the Supreme Court, this too might be found fitting by those who remember that the hand of little employment hath the daintier sense.

The expedient suggested may be far from the best. This much at any rate is clear. Some expedient for reducing the judicial burdens of the Supreme Court is greatly to be desired.

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The wise selection of the precise form or forms to be adopted involves intricate and technical issues demanding long and competent study. Reduction of the judicial burden is important not only for the swifter dispatch of judicial business but still more for the improvement of the quality of the judicial product. It would be difficult to exalt unduly the high function of the Supreme Court in passing upon the constitutionality of statutes of Congress and of the forty-eight states. Exalters of the Supreme Court as some supermundane minister may misdescribe the judicial function but they cannot overemphasize its importance or its difficulty. It is a serious thing to vest in five men the power to say that Congress may not prohibit the interstate transportation of the products of factories in which children work and to say that neither Congress nor the states may forbid the employment of women at a wage which is less than the cost of enabling them to work at their employment. Such frustrations of carefully considered legislative programs should not be invited by committing the issues to men so overburdened with routine and with legal technicalities that they have little if any time for reading and reflection in the fields outside the law. For it is from fields outside the law that there must come the knowledge and the wisdom pertinent to many of the questions that the Supreme Court is called upon to answer.

THOMAS REED POWELL

COLUMBIA UNIVERSITY

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REVIEWS

Legislative Procedure. By ROBERT LUCE. Boston, Houghton Mifflin Company, 1922.—vi, 628 pp.

Legislative Assemblies. By ROBERT LUCE. Boston, Houghton Mifflin Company, 1924.—vi, 691 pp.

A famous passage in Macaulay's essay, "Gladstone on Church and State", discusses the tendency of parliamentary institutions to "encourage readiness in public men at the expense both of fullness and of exactness". Accuracy and profundity are not necessary to enable men to become leaders in legislative assemblies. Keen and vigorous minds are harmed by being habitually employed in developing arguments "just good enough to be used once when aided by fluent delivery and pointed language". And public men are fortunate, Macaulay concludes, "if they retain unimpaired the faculties which are required for close reasoning or for enlarged speculation. Indeed we should sooner expect a great work on political science . . . from an apothecary in a country town or from a minister in the Hebrides than from a leading member of the House of Commons."

Similar considerations lead one to be sceptical of a great work on political science coming from the American House of Representatives, but it is being attempted by Robert Luce, who, before election to Congress, was for nine years a member of the Massachusetts General Court and Chairman of the Rules Committee of the Massachusetts Constitutional Convention of 1917–19. He plans four volumes on "The Science of Legislation" which will treat "historically, descriptively, and critically the legislative branch of government in every aspect". Two volumes have appeared. Two yet to be published will deal with legislative principles: the history and theory of lawmaking by representative government, and legislative problems: the merits and defects of the lawmaking branch of government, with a consideration of tendencies and remedies. It is an ambitious undertaking. Mr. Luce has set himself a task comparable to that of Bentham.

The first volume on procedure is naturally specific and technical and is much the better of the two which have been published. The procedural regulations of legislative bodies form a technical maze which

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can be threaded only after much study and with the aid of shadowy precedents. The layman is rarely competent to pry into this maze and even the legislator frequently loses himself in its mysteries. Tyrociny of members and indecision of presiding officers of legislative bodies are by no means infrequent and the rules of procedure may have as much influence as the constitution itself on the conduct of public business. Chambers do them almost equal reverence and are extremely reluctant to venture changes.

In dealing with procedure Mr. Luce discusses the beginnings of parliamentary law, the quorum, the initiation of business, committees, the different stages of legislation and amendments, restrictions on debate, filibusters, reports of proceedings, voting, pairs, reconsideration, deadlocks between two chambers, presiding officers, and legislative leadership. Mr. Luce has read widely but sometimes not too well in the history of American state legislatures. The more important points that he deals with are illustrated with a discussion of general tendencies throughout the United States and there are some references to Europe. But this material is not always up to date and is sometimes so meagre as to be misleading. There is no hint, for example, of the real nature of the development of the office of Speaker of the House of Commons. Courtier of the Crown and then an appointee of the Ministry of the day, the Speaker is now an impartial judicial officer who is reelected irrespective of party and who protects the House of Commons against itself; there is no appeal from his rulings.

Mr. Luce condemns some procedural practices. He pronounces unhesitatingly against waste of time in calling the roll and he has some sensible remarks about the hostility between the House of Representatives and the Senate, which are malevolent neutrals rather than allied and associated powers. He also favors joint committees on the Massachusetts model to prevent duplication and make for cooperation. But on larger questions, like legislative leadership or the respective powers of the Senate and the House of Representatives, Mr. Luce is more hesitant and less sound.

On points such as these there is overlapping with his second volume. This deals with the framework of legislative assemblies, the bicameral principle, methods of recruiting the upper chamber, the size of assemblies and the length of their terms, the qualifications for membership, parliamentary incompatibilities, the lobby, bribery, privilege, contempt, salaries, expenses and decorum. The discussion runs the whole gamut of the characteristics of legislatures and it is sometimes extraordinarily difficult to see the forest for the trees. The facts are too

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numerous and garrulity frequently takes the place of analysis. For example, the chapter on senates (which to some extent is anticipated in the first volume) is based largely on quotations from previous writers on the bicameral theory, and there is no mention of a problem on which Mr. Luce's experience would enable him to throw a great deal of light, namely the actual workings of the bicameral theory in the congressional system. So with log-rolling and the lobby—matters which imply criticism of the legislature. Mr. Luce has two pages on log-rolling and nothing on the closely connected matter of sectional interests in Congress; on the lobby he is chatty rather than incisive. One regrets that he has not the qualifications which Byron said were possessed by Mitford for writing history: "complete partiality and a bad temper." So also with legislative incompatibilities. There is no mention of the serious impropriety of senators and congressmen voting on tariff schedules in which they have a direct interest and there is no appreciation of the fact that the increasing economic orientation of legislation is making this problem more and more important.[1] It may be, of course, that Mr. Luce has some justification for his tolerance in that, as an experienced parliamentarian, he sees more clearly than the armchair critic just what the difficulties are that lie in the way of the improvement of procedure and how exaggerated criticisms of legislative incompetence and political venality frequently are. But the difficulty is, I think, somewhat deeper than this and it is a particularly serious defect in a writer who, to paraphrase Macaulay again, has spoken legislation, acted legislation, and lived legislation. Mr. Luce is in a position to combine knowledge gained in the study with knowledge gained in an assembly; he can write about government in action as well as government in books, and the danger is that he will not make full use of his unique opportunities.

The more demanding subjects remain to be considered. Legislative procedure is a technical matter. Rules and rulings and their results do not present serious difficulties. Characteristics of legislative assemblies are not recondite. But the history and theory of representative government and the merits and defects of legislatures are different matters. They are obscure and complex and controversial. On these subjects a writer such as Mr. Luce must, to make his work worth while, attempt to influence as well as to inform; he must criticise as well as chat. It is on such questions as legislative leadership and the bicameral theory that Mr. Luce is particularly weak. On the other

[1] Barthélemy, *Les Incompatibilités parlementaires* (Paris, 1922).

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hand, he has an excellent, if somewhat supererogative, indictment of the general insistence throughout the United States that members of Congress be connected by residence with the districts that they represent—a standard which reduces the quality and increases the parochialism of the House of Representatives.

In his future volumes also Mr. Luce must be careful not to leave untouched certain important considerations on the periphery of the constitutional structure. There is a danger that he may ignore such matters as the press and its bearing on the decline of the authority of representative institutions; the development of extragovernmental organizations which at times assist and at times challenge the state; and the growing complexity of legislative problems which have an increasingly economic orientation. Mr. Luce should remember that it is now almost orthodox to search in unorthodox quarters for suggestions as to the meaning of these tendencies.

LINDSAY ROGERS

Manin and the Venetian Revolution of 1848. By GEORGE MACAULAY TREVELYAN. London and New York, Longmans, Green and Company, 1923.—xv, 284 pp.

By this volume on Manin, the defeated and exiled hero of the Venetian Republic of 1848, Mr. Trevelyan continues his admirable studies of the *Risorgimento*, to the great profit and pleasure of his large circle of interested readers. Having produced a memorable biography of one of great triumvirs of the Italian national movement, he now turns his attention to the leader of the lesser lights in this absorbing and intricate story. The result is another successful, living portrait in a gallery that is exceptionally rich in such, modern Italian history.

Mr. Trevelyan possesses that perhaps highest of qualities which a biographer should possess but which most biographers do not. He does not exaggerate the importance of his subject. Neither does he minimize it, nor does he miss any point essential to a rounded and a truthful picture. Moreover he knows how to paint in the background with such sureness of judgment, such ample knowledge, such tact that we see the man in his true light and dimensions, not dominating his age nor dominated by it, but a very real and energetic part of it, drawing from it and imparting to it certain distinct and precious elements of life and thought and character. The influence of environment upon the individual and the influence of the individual upon his environ-

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ment are here set forth in a given case, with much subtlety and with fine discernment.

His influence [says Trevelyan speaking of Manin] hardly extended beyond the Venetian islands, and his activities as a statesman did not outlast two years. . . . As compared to the lives of Mazzini, Cavour and Garibaldi—Shakesperian themes—Manin's career preserves the unities of place and time; the stage is the mountain-watched lagoon and the city that floats on it; the time is the tragic years 1848–1849. It was there and then that he displayed a number of qualities rarely found in combination; the craft and courage to conduct a legal agitation against despotic authority; the nerve to carry through the first act of revolutionary violence when the hour to strike had come, acting without the aid or approval of the other leading men of Venice; the strong good sense to control the revolutionary forces he had evoked, to maintain order and justice in time of effervescence; the magic to keep alive the enthusiasm of a whole population nurtured in servitude and unaccustomed for many centuries to take part in the conduct of public affairs; the personal ascendancy to maintain their faith in himself in spite of defeat and failure, in spite of his constant refusal to flatter their baser passions or to yield to their less wise demands. He found the power to inspire others with his own courage and endurance for twelve months after Italy's best hopes had been shattered in the August of 1848. Yet all the while he himself was wracked by bodily pain and weakness. Like Elizabeth and William III he bore the double weight of fleshly ills and public cares.

This is the tale that is here told by Trevelyan with a wealth of detail, a sobriety of judgment, a warmth of feeling, and a sense of proportion that make his volume a notable work of scholarship and a fascinating piece of literature. No summary of its contents can be attempted in this review, but it can be said that it is not the production of an idolator or of an iconoclast. Trevelyan points out the mistakes and limitations of Manin with the same candor which he shows in describing his great qualities and moments. His appreciation does not dull his criticism. He gives us a clear understanding of the extraordinary entanglement of the times, of the numerous and confusing cross-currents of the period, personal, regional, professional, of the diverse and astonishing ingredients that entered into the amalgam that was ultimately created, the Kingdom of Italy. Nothing significant is lost sight of and everything is carefully weighed and appraised.

CHARLES DOWNER HAZEN

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The Basis of Social Theory. By ALBERT G. A. BALZ and WILLIAM S. A. POTT. New York, Alfred A. Knopf, 1924.—xxx, 252 pp.

This is an eminently sane, well balanced and useful book, reminding one in tone and attitude of such earlier works as Baldwin's *The Individual and Society*, and Cooley's *Human Nature and the Social Order*. The purpose of the work is twofold: to prove that the "basis of social theory" is a sound and comprehensive social psychology, and that any valid psychology must likewise be social psychology. In the opinion of the reviewer both of these contentions are adequately substantiated.

Following the views of Mead, Dewey and others, Professor Balz maintains that the core of psychology is to be found in the social situation, namely, the activity of several participating agents.

> The fact that human life is group life should suggest the point of departure for psychology. That human beings live a herd life, that human life is biologically that kind of a life is a truism. This truism has implications for psychology. Whatever else it may mean, it does mean that human activities are found within a system of things called group life and nowhere else. It means that the environment within which the activities of the human being occur possesses everything that is implied by group life as a distinctive feature. It means that this living structure operates within a system of things or conditions that includes whatever makes up group life as a part of those conditions. Without attempting, for the present, to state what the subject-matter of psychology shall be—whether conduct, mental processes, or anything else—that subject-matter is found within group life. And this, so far, is what is meant by stating that the data of psychology are social facts.

Likewise, the old distinction between the individual and society is deemed fallacious. Balz here takes much the same position as that enunciated twenty years ago by Baldwin and Cooley: "The individual, it may be said, is the product of society; but it may be said with equal truth that society is the product of the individual. Both are emergent facts from the womb of group life, or if we may change the figure, group life is inherently prismatic and produces its own double refraction." Yet this view in no way precludes the possibility or desirability of examining the interaction and activities of the individuals within the group or the relation of the individuals to the larger whole.

In treating the much debated problem of the original nature of man and the alleged instinctive tendencies, the author is sane and eclectic.

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He assumes the necessity of basing psychology upon a frank recognition and a thorough understanding of man's biological nature. "In terms of mind, the constancy of human nature implies a mental structure characteristic of the race, and the constancy of human anatomical structure contains a similar implication. Human nature is thus a name for the collection of generic traits, tendencies, capacities, powers, functions, expressing an inherited organization." But this conception of fixity in human nature must be viewed in a genetic and relativistic manner. "The notion of the fixity of human nature must be taken with sufficient plasticity to be accommodated to the facts. Man has evolved; so it may be said that the 'constant' traits are not constant at all. Fixity then does not mean ultimate immutable minds." This human nature gives us three phases of our equipment with progressively greater power of diversification and adaptation—reflexes, instinctive tendencies and innate capacities. "Reflexes are highly constant responses to comparatively fixed and specific features of the environment or recurrent conditions in the bodily economy." As compared with the reflexes, "instinctive tendencies are more modifiable, flexible and controllable. They are more complex processes and are apt to involve a wider system of musculature. They are connected with the functioning of the organism as a whole rather than with the functioning of its parts." The capacities are even less fixed and predetermined in their action and function. They are what make possible adaptability and diversity in human action. They are the "inherited conditions or structural elements out of which come imagination, ideation and intelligence." The reflexes furnish us with the basis of our motor integration, the instincts are "the chief drives in human action", and the capacities are "the prime conditions of all modifiability and educability". They are "primarily instruments for increasing the efficacy of action."

While in the older and more slowly changing social environment there was a rather close adjustment of instinctive tendencies to the facts of the social environment, our more dynamic age has tended to introduce a very distinct disparity between uncontrolled expressions of instinctive tendencies and the cultural environment. "Changes in original nature lag behind changes in environment." Hence, "instinctive tendencies must be continually renovated to secure fitness, must assume new channels of expression adjusted to new situations, and finally must become attached to ends that represent their natural ends in form only but not in content and meaning." Accepting the instrumentalist position of Dewey, Balz contends that the directive and

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controlling power of the intellect is adequate to effect this continual readjustment of the instinctive tendencies to the environment, to secure their proper socialization, and thus to insure actual progress.

It is this problem and technique of the control of the mind over the processes of social life which is of crucial importance in applied social theory, and it thus becomes apparent that the science of psychology, conceived as the author regards it, is the true basis of social theory. Only by understanding the nature, activities and functioning of the mind, and grasping the notion of the guiding and controlling function of intelligence can we hope to insure that adequate artificial control of the social process upon which any definite or verifiable progress must necessarily depend. Just how much freedom must be allowed to the mind to secure the greatest amount of originality and inventive power, and just how much restriction must be imposed in the interest of preserving group cohesion and integrity, is a problem for a particular society at any given time, and even there must probably be worked out experimentally.

Students interested in a dynamic social philosophy will find in this book an approach which proves the inadequacy, if not the irrelevance, of the older type of writing such as that of Royce, Croce and the metaphysicians, and will discover the breadth of outlook of Baldwin and Cooley modernized by a thorough infusion of the latest concepts in biology and psychology.

HARRY ELMER BARNES

SMITH COLLEGE

The Ethics of Opium. By ELLEN N. LA MOTTE. New York, The Century Company, 1924.—205 pp.

Miss La Motte is well known for the effective use of her pen in the movement to limit production of opium to the amount necessary for medical and scientific use. The argument of the book is expressed in the quotation with which she opens it:

> But the jingling of the guinea helps the hurt that Honour feels,
> And the nations do but murmur, snarling at each other's heels.
> —*Locksley Hall.*

That this is true of opium no one conversant of the situation can doubt, and it may be followed into wider fields than those to which Miss La Motte confines her study. Miss La Motte emphasizes again the point which she has earlier made, that excessive production of opium and cocaine is the root of the problem. So long as the present

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enormous overproduction continues, so long as the illicit market pays so high for the supply, the easily smuggled powders and liquids into which the raw product is transformed will continue to be a source of the dangerous evil of drug addiction. In the present work she deals principally with one phase of the many-sided problem, the production of crude opium, and with two serious enough, although the least menacing forms of the use of opium, eating opium in India and smoking opium in the extreme Orient.

Her book shows clearly the governmental interest in smoking opium on account of the revenue derived from its use. The situation is familiar to Americans through its similarity with that involved in the defense of the saloon on the ground of its large contribution to the public treasury, and this defense of the opium revenue fails as completely to justify itself as the defense of the use of strong drink, solely because it can be be made to yield revenue.

The author brings the very serious charge against business interests, that in several British colonies opium dens are looked on as a means to induce the immigration of Chinese laborers needed for the development of the colony (pp. 61, 66, 67, 82). In one case, at least, that of Brunei, her conclusion is based on very unsatisfactory evidence; it would be more convincing if she cited her authorities. Nevertheless she is not alone in feeling that there is some truth in this charge, and as it directly concerns the rubber planters and mine owners of the Malay Peninsula as well as the British Government, there is no doubt who should answer. In an article in *The Nation* of September 3, 1924, she cites an official British statement supporting her charge.

As Miss La Motte says, America is peculiarly interested in limiting the supply of narcotic drugs to medical and scientific uses and preventing the creating of a large surplus pool, since, "the average American has more money to spend on drugs than the average European" (p. 7), so the surplus will come here, to the country which can pay the most. The danger to America, however, does not come from India, since Indian opium is not used for making morphine or heroin, but solely for smoking or eating (p. 21), so that we are directly interested in Persia and Turkey, where the poppy is grown from which are made the drugs which do so much harm in our country. Neither of these countries has established control as has India and from neither country have we reliable statistics of production or export.

Miss La Motte does not treat the very important problem of manufacture of medicinal opium in western Europe, Japan and the United States, and the control of the product in international trade. Not

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only in American and western Europe are morphine and heroin the menace which Miss La Motte describes (ch. i), but they are also being smuggled into China to a threatening extent (p. 150), so that if these drugs are to take the place of smoking opium among the Chinese, a worse evil would succeed to an already serious one. For the sake of the Far East, control of morphine and drugs must proceed *pari passu* with the abolition of smoking opium.

At the general conference in Geneva where the revision of the Opium Convention is being taken up, the two sides of the problem, smoking opium and narcotic drugs are being considered, and it is time for Americans to interest themselves in the limitation of manufacture of drugs and the control of international traffic therein, as well as production, though the paramount importance of the latter must not be left out of consideration. More attention must be given the Turkish (p. 154) and Persian situations (p. 159).

The American Commission in Persia (p. 160) will, it is hoped, be of assistance there and will be able to arrange to take care of the comparatively small British loan which is secured in part on opium revenue (p. 161). Far more serious is the need of replacing opium revenue as part of the income of the state for general purposes, and of finding a substitute for the poppy as a crop for individual farmers.

Another important point on which American opinion should be clear is the internal situation in India. Miss La Motte states the extent of the use of opium in that country and the difficulties which its sudden abolition would entail (p. 48). The evidence is strong that the Indian people have long felt that opium as used by them had a medical value and would resent being deprived of it by an alien government. The reviewer is inclined to believe that a parallel to this feeling may be found in the wide use of patent medicines in America, many of them containing opium, and to side with the medical opinion that condemns it, but the entirely insufficient medical service in India is a factor to be borne in mind. In any case the reviewer agrees that the report of the Royal Commission of 1893 that the eating of opium is harmless and medically beneficial, is unconvincing in the light of medical criticism to which it has been subjected.

The author thinks that if Great Britain wished to stop opium in India she could apply the English Dangerous Drugs Act to India (p. 42). So Parliament could, legally, but to do so would be not only to incur all the ill-feeling mentioned by Miss La Motte but in addition to violate the pledge to give the Indian people increasing rather than diminishing control over Indian affairs. Under the Government of India

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Act, the Constitution of India granted by Parliament, legislative and administrative power has been delegated in certain cases to the Indian Assembly and in others to Provincial Assemblies (p. 43).

Subjects delegated to the central authority are termed central, those delegated to the provinces, provincial. Provincial subjects are divided into reserved and transferred, transferred subjects being those in which the control is vested in the provincial legislature and the ministers who must be elected members of the legislature, while reserved subjects are under the administrative control of the appointive members of the Governor's Council, a separate body from the ministers. In reserved subjects the governor has wide powers of legislation in the event the legislature does not pass laws his council considers necessary.[1] Miss La Motte has confused central with "reserved" and transferred with "provincial" subjects (p. 40), and does not explain the important difference between reserved and transferred subjects. Control of the cultivation, manufacture and sale for export of opium is a central subject (p. 40), but the control of excise tax on internal consumption is provincial and is, furthermore, transferred so that it is administered by ministers accountable to the legislature who are also responsible for legislation on this subject.

The American delegation at the recent conference with the League of Nations Committee at Geneva took the point of view that opium-eating in India is a local question, and this is particularly so since it is a transferred subject under the act. We are entitled to know how much opium is produced in India and that the opium destined for internal consumption is carefully enough guarded so that it does not form part of the world pool, and is not smuggled out of the country. We are entitled to be concerned in export. Individuals can do a service to the cause of Indian humanity by protesting against the use of the drug, but the difference between the internal and the international aspects of the problem should not be left out of sight, especially its bearing on Indian constitutional law.

The reviewer does not believe that the evil among young persons in the United States is increasing. No clear proof is possible, but the fact that the average age of addicts in New York courts is now twenty-nine, as against twenty-two years in 1917, is one evidence of improvement. Another is an investigation of high schools in a large eastern state which showed no known cases and no apprehension on the part

[1] Government of India Act, Sec. 45 and 45-a. Ilbert and Weston, *New Constitution of India*, pp. 37 *et seq.*, 112, 129, Appendix II.

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of principals. The reviewer has had cases of addiction among school children brought to his attention, but they were very few; and he knows no proof of the statement that addiction is rife among them.

The figures presented by the League of Nations in an estimate of production, dated May 23, 1923, and the very general statements prepared by an Anti-Opium Society of Peking do not bear out Miss La Motte's statement that "the greatest opium-producing country in the world is India". The League of Nations estimates that China produced, in the year 1923, 4,400,000 pounds, whereas the Indian production was 1,954,656 pounds. Although the Indian production did not include the production for home consumption in the native states, there is no reason for believing that that production would make up the difference.

JOSEPH P. CHAMBERLAIN

Ethics and Some Modern World Problems. By WILLIAM MCDOUGALL. New York, G. P. Putnam's Sons, 1924.—xviii, 256 pp.

In this book Professor McDougall completes a double transition, from psychology to the philosophy of history, and from science to political propaganda. The formula which he produces for predicting, and controlling, the rise and fall of nations and civilizations will occasion no surprise to those who have followed the development of the author's thought since the awful Germans embarked on their great crime against humanity in 1914, and especially since his adopted country shocked him by its shameful reluctance in plunging into the fray on the side of the angels. The keynote of the work is the distinction between "inferior" and "superior" men, nations, races and especially "*strains*" (p. 136).

The great menace threatening all that we cherish is too much democracy, and Christianity. By some legerdemain not spoiled by explaining how it is done, self-interest, prudence, family feeling, patriotism and all motives or loyalties more restricted than pure humanitarian idealism are lumped together as "National Ethics" and contrasted with "Universal Ethics". (National ethics is alternatively referred to as "good sense".) The grand desideratum for the permanence and growth of culture is a healthy nationalism under a proper synthesis of the two types of ethical system. The civilized world is divided into two parts; one is Germany, which repudiated universal ethics entirely and adopted a ruthless nationalism as its religion, and the other comprises the rest of the nations, which

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are in grave danger of carrying universal ethics to such an extreme that they will be weakened and destroyed. Germany being out of it for the present, all the author's emphasis and practically all his space are devoted to the dangers of having ideals that are too high.

Chief among these dangers, of course, is the over-multiplication of the unfit:

> Suppose [the ideals of universal ethics] to be established and maintained, . . . we shall see that in this earthly paradise there would prevail a differential reproduction-rate . . . the masses would respond by raising their birth-rate to a natural maximum, and population would double itself everywhere every twenty years or less. The more capable and energetic individuals, denied the incentives of family and national sentiment and of personal distinction, . . . looking into the future and seeing no prospect for themselves and their like, beyond the perpetual struggle to maintain a reasonable standard of physical comfort for the ever-increasing hordes of population . . . would be content to do their communistic duty and to pass away, without perpetuating their strains. The prevalence throughout a brief period of such differential reproduction would exterminate all higher aspirations; it would produce throughout the world a population that would spend all its leisure jiggling to the jolly strains of jazz-bands, gazing at sensational trivial movies, and applauding the heroes of the milder forms of gladiatorial combat (pp. 141-3).

Salvation from this dire fate is to come through opposing nationalism (and individualism) to internationalism, or cosmopolitanism, and humanitarianism. These ideals are beautiful, but impossible of realization, because "you can't change human nature" (p. 55). The strong—nations and classes—must keep and enlarge their place in the sun, always using their power benevolently toward the inferior, of course. The objection that power may be used for selfish advantage is "a grave indictment of human nature" . . . ."cynical pessimism" (pp. 175, 176). The trend of political institutions toward direct democracy must be reversed, and emphasis placed on the indirect, representative principle. On the basis of innate mental capacity, moral character and education, the population of each country should be divided into three classes, Class A, full citizens, Class C, disfranchised, and Class B, intermediate and probationary, but without the franchise. Class C would include from a fourth to a third of the people in the United States, and up to four-fifths or nine-tenths in backward countries. Intermarriage between Class A and other classes would be prohibited or discouraged by forfeiture of status. Thus Class A would be "protected against the lowering of its average quality by the immixture of blood of inferior quality."

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For good measure the author appends an "Outline of the One and Only Practicable Plan for Bringing About the Disarmament of Nations and the Reign of International Justice." The essential feature of this plan is to give the government of the League of Nations the sole and exclusive right to build and operate aircraft of every kind.

There is much in the book which invites detailed criticism, impossible in a brief review. The treatment of ethical theories and schools (Lecture V) is superficial, and the theory explaining growth and decadence of culture in terms of two contrasting types of ethical ideals will strike the critically-minded reader as over-simplified. The main practical contention is easily answered. Neither governments nor scientists are in possession of definable ideals or usable criteria of human worth. Nor is enough known of the real workings of nature and nurture in the formation of human character and mentality to furnish a basis for a general program of action which would not be about as likely to lead us away from our goal as toward it, *even if* we knew where we wanted to go, and even if "we" were divine-right monarchs, unlimited.

The greatest use of such a book will come from the discussion it will arouse. Surely there are more imminent perils than the over-development of moral idealism upon which Professor McDougall might have exercised his great logical and literary powers and found expression for the "instinct" of viewing with alarm. Yet there is much to commend. The emphasis upon the social nature of man and his good, and on the seriousness of the obligation to maintain and develop civilization are in refreshing contrast to the anarchic individualism of much current writing. And the reviewer would agree that it would probably be a good thing all around if the preachers of Christianity would honestly admit that they themselves have in general not the slightest intention of taking their gospel at all literally in practice. The need for an intelligent synthesis of idealism and "good sense" is very real. Finally, the book, frankly (we trust) a piece of special pleading, is competently done, and will be found informative, provocative and entertaining.

FRANK H. KNIGHT

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British-American Relations. By J. D. WHELPLEY, with an introduction by GEORGE HARVEY. Boston, Little, Brown and Company, 1924.—vi, 325 pp.

Mr. Whelpley is an American journalist and economist, who has been much employed by the United States government in foreign missions, and who has resided much abroad, especially in Great Britain. He believes that in the modern world, foreign relations of any permanence depend not upon treaties and governments, but upon people. There can exist no alliance or understanding except upon a natural basis of similar institutions and ideas. The only important relationship of this kind possible in the world today is that between Great Britain and the United States. The natural affinities between the two may be rendered sterile by propaganda, of which much exists today. He is disturbed less by that which is hostile than by what is so enthusiastically urged in behalf of an alliance based on kinship, that it produces reaction. It is to combat propaganda that he writes, and his method is to employ candor, trusting to fundamental unities, rather than superficial appeals. His desire is not an alliance, in the usual sense, but an effective cooperation of the two peoples based on common principles.

Mr. Whelpley has two weaknesses. His knowledge is that of the well informed journalist, rather than the student. For instance he states (p. 15) "Many years ago a now great and populous state of the American commonwealth achieved its independence from European rule and became a republic, and in a short time thereafter it voluntarily sought a place under the American flag." His information is of the past twenty years, on which it is full, and in some instances, as in the case of relations between the United States and Canada, based obviously on close personal contacts.

A more serious defect is the rather confusing method of treatment. For instance on page 214 he interrupts a discussion of successive tariff conditions, in the midst of a paragraph, to give a four-page *excursus* on British and American democracy. This was apparently the effect on his mind of a reference to a step in the direction of free trade, for his political sympathies, more obvious in the treatment of British subjects than of American, are emphatically with the Liberals, and among the Liberals, bitterly opposed to Lloyd-George. The fact that the chapters do not hold steadily to their subject is emphasized by the absence of an index.

The merit of the book is its intimate acquaintance with all the forces of the present time, personal, economic and social, and a blunt candor

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in everything addressed to the two peoples in whom he is interested. Strictly impartial, he tells both sides exactly why they are disliked, as well as why they should cultivate each other. Little time is spent in blaming outside influences for their lack of mutual understanding. Each reader will undoubtedly differ from many judgments expressed, and it is emphatically a book of judgments. No wise reader, however, will fail to weigh the author's opinions, as those of an earnest and well informed man who is telling the truth as he sees it.

CARL RUSSELL FISH

UNIVERSITY OF WISCONSIN

Nationalism and Religion in America. 1774–1789. By EDWARD FRANK HUMPHREY. Boston, Chipman Law Publishing Company, 1924.—viii, 536 pp.

There is no doubt that Professor Humphrey has performed a useful service for students of the American Revolution, and more particularly of church and state relations during that period, by assembling from a variety of sources the material included in this book. The first section deals with the attitude of particular religious bodies toward the revolutionary movement. The second series of chapters describes the process by which certain religious groups achieved, or, in some instances, failed to achieve, independent and national organizations. The final section, entitled "The State and Religion", reviews the status of religion under the state and federal governments and tries to show in what respects particular denominations were influential in bringing about these results.

It must be said, frankly, that the book has in considerable part the character of a compilation rather than a thoroughly digested narrative. Too many of the chapters consist largely of series of quotations loosely strung together by paragraphs of the author's own text; in some chapters the quotations aggregate a third or a half of the whole, and some of them are very long—from one to six pages. In short, there has been industry in the collection of material but not enough thought given to its interpretation. Professor Humphrey's plea for more adequate recognition of the religious element in the history of this period deserves serious consideration, but it would have been strengthened if he had analyzed his evidence more clearly and shown a due appreciation of the interplay of religious with social and economic forces.

There are too many loose general statements, as, for instance, the following: "The Second Continental Congress . . . did produce the

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Declaration of Independence, the Articles of Confederation, and the Federal Constitution" (p. 3). Or again (p. 15): "The Anti-slavery clauses of the Constitution may be attributed to 'the religious fanaticism' of Quakers, Methodists, Baptists and various other church organizations." The suggestion (p. 171) that the failure of "Wesley's church" "to become the national church of the United States resulted primarily from the American spirit of abhorrence of any establishment", hardly does justice to other not unimportant obstacles. Would not the ordinary reader be misled by the classification, without qualification, of Jefferson as one of the "Anglican Americans" (p. 21) and of Franklin as a member of the same Church (p. 47)? The book would have profited also by a clearer presentation of the colonial background. Doubtless the early church establishments were largely "colonial rather than imperial" (p. 360); but it should be remembered also that the privileged status of the Anglican Church was partly the result of pressure from the other side of the Atlantic and that this position was materially affected by the subsequent loss of imperial support.

Mr. Humphrey thinks that the separation of church and state in America resulted primarily "from the initial efforts of small bodies of persecuted sects, Baptists, Presbyterians, Catholics, Quakers etc., who made use of the spirit of the Revolution to demand religious freedom in exchange for another—to the majority a more important right, political freedom" (p. 362). There is no doubt of the important influence exerted by such groups; but not enough consideration is given to other forces working toward tolerance. Aside from certain important social and economic factors operating throughout the eighteenth century, there is the effect of current rationalistic tendencies in weakening the morale of the old church establishment. It may be true that Jefferson was not "the foremost champion of religious freedom in America" (p. 362); but the general intellectual attitude of such men as Jefferson, Franklin and others who were not active partisans of any ecclesiastical group was surely more important than the reader of this book would be likely to realize.

A careful comparison of religious alignments with those of a social, economic, or sectional character would have been helpful. For instance, the reader should be reminded not only of Witherspoon's pleas for a stronger federal system, but also of the very different attitude taken by a large proportion of his fellow-Presbyterians in the back counties of Pennsylvania.

EVARTS B. GREENE

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Government and the Will of the People. By HANS DELBRÜCK. Translated by ROY S. MACELWEE. New York, Oxford University Press, 1923.—xiii, 192 pp.

The psychology of a very large part of the German people is reflected in these strictures of Herr Delbrück on parliamentarism and democracy. The lectures were first published in 1913, and no attempt has been made either by the author or the translator to bring them up to date, beyond a brief epilogue to the second edition (1920) in which Herr Delbrück reiterates his ante-bellum convictions. In view of the more ample critiques of representative government by Duguit, by Henry Jones Ford, by Laski and by Cole (to mention only a few) this book has very little to offer the student of politics that is new or important, except materials for a study of German politics before the war which have not been previously available in translation. Its contribution is not to political theory, but to political psychology. In this respect it is of value in being itself a document.

The work of a military historian, when he turns his hand to politics, is apt to be suspect in advance. Too often he sees political problems only in terms of an efficient military machine with which to assure national power. That is the case with Herr Delbrück, even though he brings a rich political experience in the Reichstag to aid. His interest in showing that government can never express the will of the people lies in preparing a frank defense of the Prussian hegemony and the autocratic rule of an officer-class, under the All-Highest Hohenzollern—though there is no evidence in fact to show that the republic means "that Prussia will be sacrificed to the great National State which it once created" (p. 189). From this point of view the work has the highest significance, and not less so because the epilogue to the second edition might still serve as a program for the parties of the Right which gained strength in the recent elections.

The critique of party machinery and devices of representation is aimed primarily at showing that there is no such thing as a general "will of the people" capable of being expressed through representation. Even Rousseau admitted that. The historical citations to which Herr Delbrück points are interesting and chosen from a wide field. Most of his criticisms of parliamentarism in England, though, entirely miss the point under contemporary conditions—for the Representation of the People Act of 1918 and the present strength of the Labor Party entirely falsify such a statement as "What is

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apparently a people's election is therefore in reality a self-perpetuation of the groups which in the course of history have gradually attained to power." Undoubtedly "the people" is a mystic conception. Yet there is something more to be said of parliamentarism than that it is the self-perpetuation of rule among several oligarchies of party leaders. Belloc, on whom Herr Delbrück frequently relies, deplores above everything else in parliamentary degeneration the fact that political leadership is no longer what Herr Delbrück says of it: "such a close corporation that it may be said that democratic England is governed by a self-perpetuating aristocracy." The passing of Aristocracy is the burden of Mr. Belloc's lament.

In 1913 Herr Delbrück, with the other defenders of the imperial throne and the *Junker* class, noted with satisfaction the solidity of the Roman constitution so long as it was founded upon "a self-perpetuating supreme authority, emanating from the gods, not from the people, yet affected by democracy in that those very men who are to exercise this authority are determined by the mass of the voters" (p. 81); and again: "The Roman people thoroughly understood the value of religion to the state, and liked to choose its leaders from those families which were descended from the gods or understood how to stand in wonderful relation with the gods and to learn the future from them; these leaders they obeyed" (p. 83). In effect, "*Gott mit uns*". And that is the substance of *Government and the Will of the People,* constructively: military constitutionalism and the "chosen" Hohenzollern against parliamentarism and the Social Democrats. Herr Delbrück believes that the historically developed forces in the people really cooperate better for state purposes under a Kaiser than under parliamentarism. Up to this time, post-war Germany has gone far toward bearing him out. But parliamentarism, tempered by a president, is still young in Germany, and its control of some very difficult situations so far is hopeful.

The book is full of the most interesting personal anecdotes of politics and parties in the Old Germany, and of illustrations taken from the author's other works, chiefly *Geschichte der Kriegskunst im Rahmen der politischen Geschichte.* Herr Delbrück prophesies that if the French Army ever conquers again "it is all over with parliamentary government in France". The facts have so far belied his prophecy. The army is less dangerous under Foch than it was under General Boulanger. How far his other prophecies and theories for Imperial Germany went astray, the war has testified. It is all the more interesting to find him unconvinced in 1920 of any

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political misjudgment. The débâcle was due to superior force of the enemy; *now* the only hope for the future lies in "a great Union of the peoples".

The publication of this work by the Oxford University Press is a hopeful sign of the resumption of international relations where they ought never to be suffered to lapse—among scholars. There are, no doubt, many more valuable books waiting translation to make the work of modern Germany once more generally and easily available. The translator, Mr. MacElwee, is to be thanked for his labors, although what was no doubt a difficult German style has rendered the resulting translation a little stiff and perhaps too literal—with a few unpardonable German inversions (e. g., p. 186, line 2). The glossary, as it deals with conditions now past and facts that have only historical interest, might have been written in the past tense throughout if it were impossible to revise it to date. Some of the terms are amusingly defined. The translator has found it necessary, e. g., to include *State:*

> 1. A governmental unit, a commonwealth, kingdom, duchy or other member of a confederation, such as Bavaria, Virginia, Hessen, Kentucky.
> 2. "The State" in the abstract meaning, a governmental and political unit, a power; [with this enlightening observation] we say, "Affairs of State", the State Department; "Thou, too, sail on, O Ship of State"; or, as Louis XIV said, "*L'état c'est moi*," "I am the state".

There are numerous minor and unimportant *errata* such as 1913 for 1813 (p. 181), and "interpretations put to the ministry" for what probably should be "interpellations" (p. 59), but the printing on the whole is excellent. There is no index beyond the glossary that deals largely with political parties and personages of pre-war Germany.

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From Renaissance to Revolution: a study of the influence of the Renaissance upon the political development of Europe. By SYLVIA BENIANS. New York, E. P. Dutton and Company, 1924. —xii, 203 pp.

The attempt to deal with three centuries of modern history and thought in a little book of two hundred pages may well be viewed askance. Such volumes are apt to be too general and to contain nothing new, or to be no more than barren and unsatisfactory out-

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lines. Mrs. Benians, however, has a readable and lively style, and the faculty of saying something definite and worth while in almost every sentence. While of necessity she flits from one familiar name, personality, or topic to another—such as Machiavelli (treated on pp. 18-23), Erasmus (pp. 33-36), Luther (pp. 36-40), Calvin (pp. 40-41), Counter-Reformation (pp. 42-49), Richelieu, Parlement of Paris, Jansenism, Louis XIV, Mercantilism, Colbert, the Dutch Constitution, the Golden Age of the Dutch Republic, French literature of the seventeenth century, Racine (pp. 82-85), Hobbes, Grotius, Francis Bacon, Descartes, the growth of religious toleration, colonial expansion, the French philosophers, Montesquieu (pp. 137-139), *L'Encyclopédie* (pp. 141-144), Diderot (pp. 144-150), the Physiocrats, the Calas case, the benevolent despots, Whig oligarchy, Rousseau (pp. 183-187), the German *Aufklärung,* and John Wesley (pp. 191-195)—she does so on wings of language and thought such as all God's children do not possess. And, like the bee, while busy, she does not hurry but dwells on certain selected blossoms of personality and thought long enough to gather honey from them. Freshness of treatment is attained by fairly frequent use of less familiar facts and incidents for purposes of illustration. The method of approach and presentation is also rather novel, and results in a skilful interweaving of the currents of literature and thought with those of political, economic, and social activity, and the tracing of relations of cause and effect between the two. The author has considerably shortened her task by the assumption that "with few exceptions all that was most vital in the civilization of the seventeenth century came from three countries only—France, England and Holland" (p. 79).

What tends to vitiate the main thesis of this book and its guiding thread through the course of three centuries is its false starting point, namely, the old conception of the Renaissance as set forth in the works of Burckhardt, Symonds and Pater, and the old misconception of the medieval period. Consequently the opening pages of the volume under review are filled with repetition of hackneyed sweeping generalizations concerning the Middle Ages and the Renaissance which have never been proved or have been definitely disproved, and which make anyone who has any real acquaintance with the centuries before the fifteenth and sixteenth writhe with pain and disgust. When will historians (for see also Preserved Smith's *Erasmus,* 1923, p. 2) ever learn that the mariner's compass, gunpowder, map-drawing were medieval, not Renaissance inventions? When will they

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stop making such exaggerated statements as, "Then in mid-fifteenth century Constantinople fell before the Turks. Hundreds of Greek teachers" (will Mrs. Benians please name ten of them?) "were turned adrift, and with their load of precious manuscripts were welcomed by an eager Italy" (p. 4). And why is it that those who animadvert the most upon "the unquestioning reverence for authority" (p. 1) and "the fetters of tradition and authority" (p. 8) of the Middle Ages are the very ones to accept unquestioningly upon trust the traditional conception of the Renaissance and never take the trouble to observe or experience medieval history and thought a little for themselves? Mrs. Benians, it is true, says (p. 24), "The brilliance of Renaissance civilization seems tarnished, too, by the darkness and oblivion to which it consigned the achievements of the Middle Ages," but she has not sufficiently taken this thought to heart.

In particular more account should be taken of the continued influence of the small medieval local state during the period under review. Our author hints at this in saying of the Huguenots (p. 53), "Their political ideal was a federation of small and virtually independent communes—an ideal which was the direct antithesis of the close-knit Renaissance state, but which was revived in after years by the Girondists." But why not give us a sympathetic account of this point of view as well as of those of Richelieu, the benevolent despots and Rousseau? Why not admit that the Swiss Confederation and Dutch Netherlands were medieval survivals? Surely we should be given both sides of the struggle, although the influence of the Renaissance upon political development be the author's main interest. But apparently Mrs. Benians does not quite grasp the significance of the small local state in the middle ages, for at p. 15 she represents Europe as about to break up into a number of independent states at the very time (c. 1300 A. D.) when really a number of hitherto practically independent states were beginning to coalesce into the later absolute monarchies. A similar failure to sympathize with the different point of view of times past is seen in the assertion that Richelieu "did not remove the provincial tolls and customs duties, which were a serious hindrance to trade" (p. 55). Yes, but to whose trade? To that of patriotic capitalists at the capital, very likely. But to that of the province in question, hardly, or the provincial assembly would have long since removed the obnoxious tolls and customs duties. And was the "childlike confidence in laws and princes" (p. 153) of the age of reason any more childlike than our present trust in legislation and constitutions and parties?

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When Mrs. Benians says of Holland, "What most excited the astonishment and envy of contemporaries was the perception that this startling change in the fortunes of a state had an economic and not a political basis" (p. 69), she seems to ignore the fact that medieval Venice had already taught the world this lesson. And one of her concluding inferences, "Experience taught that individualism was a will-o'-the-wisp for all save the powerful or rich; the poor and weak must fight in groups" (p. 199), was known by the middle ages long ago. But the world, it is true, is a forgetful pupil.

A number of assertions may be questioned other than those concerned with the false conception of the Renaissance. Many impartial historians would question if "an increased purity and sincerity in religion" was an "immediate achievement of the Reformation" (p. 42); and the assertion which follows, "In the Middle Ages to die for a belief had been accounted madness," surely should at least be modified to read "for a belief other than the orthodox Christian Faith" in view of the ardent desire of men like St. Francis and Ramon Lull for martyrdom at the hands of infidels, to say nothing of the innumerable crusaders and the glorification of past martyrs in countless works of medieval art and literature. Even so modified, the statement would be far from true; it is probably safe to say that a greater percentage of Cathari in the thirteenth, than of Huguenots in the sixteenth, century suffered death for their belief; it was only to Poggio, Ialian humanist of the Renaissance, that the martyrdom of Huss seemed madness. At pages 100-101 the subordination of interest in natural science to theology in the medieval period is grossly overstated. American anthropologists who assure us that there is a greater variety of cultures among the American Indians than in all the stages of civilized history might not be pleased with the statement (p. 114) that before its Europeanization, "as compared with the East, the West was empty of men and of institutions." At page 110 we read that when Philip II became king of Portugal, "Spain then held the East and West in fee, and threatened to take from the Dutch their trade with the Indies. Rather than lose their main source of livelihood, the Dutch bent their energies to defy Spain and her Portuguese subjects in the Far East as they defied her in Europe." But before 1580 the Dutch trade with the Far East had hardly begun, to say nothing of being "their main source of livelihood". The Dutch East India Company was chartered only in 1601. The opposition of *L'Encyclopédie* to war is rather overstated (p. 134), for we recall the space it gives to military matters and engines of war,

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while on the other hand the Encyclopedia, with its truly scientific and critical attitude, deserves no such nasty slap as this, "Nothing except the *Dictionnaire Philosophique* of Voltaire reflects the unphilosophic teaching of the *Philosophes* more clearly than the *Encyclopaedia*" (p. 141). Interesting assertions are made concerning the French colonies such as that "to France they were integral elements of a civilization . . . . Unlike all the other colonizing powers . . . France was consciously creative. . . . Each [colonial possession] was a separate jewel in the stupendous diadem of imperial destiny" (p. 122). But the present reviewer is not qualified to pass upon this estimate of French colonization in the seventeenth and eighteenth centuries.

If Mrs. Benians' book suffers from a false starting-point, it also seems to arrive at a somewhat lame conclusion, and when she finally drives the ball between Rousseau and Wesley as goal-posts, one rather wonders if the game, entertaining as it has been by the way, was worth the candle. Upon the Revolution itself and the century since, the Renaissance, by her own confession, seems to have had little influence. But if she has not found quite the right key to the history of the period in question, nevertheless her presentation of it is pithy and pointed, fresh, thoughtful and original.

LYNN THORNDIKE

Memories of the Russian Court. By ANNA VIROUBOVA. New York, The Macmillan Company, 1923.—x, 400 pp.

Letters of the Tsaritsa to the Tsar, 1914–1916. With an introduction by SIR BERNARD PARES. New York, Robert M. McBride Company, 1924.—xliii, 478 pp.

During the last years of Russian tsarism even the public at large spoke of the "dark forces" controlling the appointment of ministers and the policy of the government, always meaning specifically a Madame Viroubova and the famous Rasputin. The popular conception of the influence of these two individuals was considered by many as grossly exaggerated, particularly as the character of both of them was well known. Viroubova was the extreme product of a court given to intrigue, and Rasputin had proven himself a shrewd but out-and-out mountebank.

Viroubova's *Memories* support this current estimate of her personality, although they are an unsuccessful attempt to conceal the truth in

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order to shield the memory of the unfortunate Empress, to whom she was personally devoted. The writer reveals clearly the petty interests of that narrow circle in which the Russian Emperor lived; she also portrays the mentality of the Empress, which made possible the exercise of influence by such a person as Rasputin.

The *Letters* fill in and fix definitely the picture of the life of the Russian imperial family. The authenticity of these letters has not been questioned. The texts, in the original English which was used in the family, have been taken from a Berlin edition based on copies made "without permission" from the originals in the archives of the Soviet Government. These originals were found among the personal effects of the Emperor after his "execution" in Siberia. The Soviet archivists claim that in the hurried copying several important sentences were omitted and frequent inaccuracies of wording permitted. But no more serious attack on this edition has come from this source.

The question of the propriety of publishing material which represents in large part the most intimate communications between husband and wife, also has not been raised in view of the important revelations on governmental policy and practices which the letters contain. In his introduction, Professor Pares does not attempt to do more than indicate in a general way what the student of this period of Russian history will be able to learn from a close study of this first-hand material. The psychologist will also find these letters of great interest, for the study of a very unusual, if not definitely abnormal, mentality.

The maintenance intact of the autocratic authority, for the benefit of the young boy, and corresponding hatred of the Duma and all "public leaders", were the foundations of the Empress's thinking and acting. She is constantly telling Nicholas to "be the autocrat", and upbraiding him for not "ordering, instead of asking if it can be done". She does not trust his judgment, or even his memory, and supplies him with notes of instructions, which he is to keep before him when he receives the reports of the ministers. And to "help", she receives and discusses business with the ministers, naïvely remarking in one letter that she is the first Empress to do this since Catherine the Great.

The important fact brought out by the *Letters* is that her recommendations as to appointment of ministers, policy toward the Duma, and even military tactics were all based on the advice of "our Friend", the "man of God", or "Him", as Rasputin is variously called. At times she is seeing Rasputin daily; and Viroubova, "who

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is also from God", is the constant messenger between her and Rasputin. Frequently the poor woman forgets the message she is to deliver, and even the name of the person whom Rasputin asks to have appointed minister. She carries on a persistent campaign against all who have "gone against Rasputin"; the great crime of the Grand Duke Nicholas is that he "went against the man of God", and as a result she keeps insisting that his advice cannot be good nor his acts honest. Another, who also opposed Rasputin, "will have bad luck". And the tragedy for Russia was that these campaigns of the Empress, at the instigation of Rasputin, were almost always successful.

Not only is the Empress on her own confession in the *Letters* woefully ignorant of governmental matters, but she shows herself petty and vindictive on political grounds. The Duma leader Guchkov had come to represent the most hated of the "constitutionalists", and several times the Empress expresses the wish that he might be hung.

The Russian sovereigns become completely isolated, even within the court, during the last years of their reign. The Empress spends her time almost exclusively with her children and Viroubova, and tries to keep the Emperor within the narrow circle of the immediate family, supplemented by Viroubova and Rasputin. When she visits the front she wishes to have him come to the train for his meals, to get away from all the officers of the General Staff and the ministers. And she is always casting suspicion on generals or ministers whom Rasputin reports as untrustworthy. Such were generally those whom Rasputin has been unable to influence in his game of intrigue and personal aggrandizement. The Empress is always waiting for the message from "the man of God", whose word is sacred for her, although at one place she shows that she is aware of his intemperate habits.

If the influence of the Empress was as strong as facts prove at periods when she had to resort to letters to reach the Emperor, then this influence, always that of Rasputin and his followers, must have been even greater when Nicholas was at home, deliberately kept isolated from healthy contacts by these two women, acting under the direction of the uneducated but clever Rasputin. The letters explain clearly those wild and foolish dismissals and appointments of ministers during the last months of the old régime, which finally discredited it in the eyes even of the more conservative elements.

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England im Zeitalter der bürgerlichen Reform. By BERNHARD GUTTMANN. Stuttgart and Berlin, Deutsche Verlags-Anstalt, 1923. —566 pp.

This volume treats of English developments from the period just preceding the Industrial Revolution to the middle of the nineteenth century. The main body of the work is prefaced in the first chapter by a brief description of the origin and development of the social classes and the institutions of England as they existed under the "aristocratic system".

The second chapter deals with the Industrial Revolution. Little attention is given to the inventions as such. Arkwright and Wilkinson alone of the inventors are emphasized. Watt is dismissed with one short sentence and no complete account is given as to the results of the use of steam. Stephenson, Brindley, Hargreaves, Crompton and Wedgwood are merely mentioned by name; Bell, Symington and McAdam are totally ignored. On the other hand the condition of the rapidly growing working class in the towns, the philosophy of Malthus and Bentham, the opinions of popular leaders such as Cobbett and Place and the significance of the teachings of the Quakers and the Wesleyans are topics discussed at some length. The third chapter deals with the reactionary Government immediately after 1815; the fourth, with the more liberal Toryism of the twenties.

In the fifth chapter, constitutional reform is taken up. The repeal of Test and Corporation Acts and Catholic Emancipation give way in length of treatment to the Reform Bill of 1832. Emphasis is put on the part which cabinet, middle class, working class, even foreign events, played in the passage of the act. The measure is regarded as especially important inasmuch as its passage by effort of the Whigs marked the end of the course of that party and brought into being the reformed Parliament which was capable of comprehending the misery of the mass of society and of making those inquiries regarding social conditions without which remedial legislation would have been impossible. "The reform was only a gate, which was made in the thick wall surrounding the fortress of Privilege. But through it the builders of the modern state found entrance."

This point of view is the one usually found in the volumes dealing with the Reform Act but it is worthy of comment that the gate became so firmly set in its position that it really strengthened what had been the weak place in the wall. Those who follow the debates of the opponents of Reform in 1866 and 1867 will find many of the arguments

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of 1831–1832 used again, plus the additional argument that a gate had been made in 1832 through which certain members of society could pass. Robert Lowe, for instance, declared that the worthy could come within the fortress and that change was unnecessary. To get Reform, therefore, it was necessary for the middle class and the working class to organize in the Reform League and the Trade Unions which now became really involved in political activity. Disraeli, in giving way before pressure, merely played a part which Peel did not dare to try in the early thirties, and granted Reform on a basis which meant the coming of democracy. Moreover, if it be true that there was too little interest on the part of Parliament in social conditions before 1832, it is also true that the legislation passed after 1832 was not regarded, at least in large part, by agitators and by some thoughtful writers as a sign of attentiveness to the welfare of the masses. To this legislation, its sponsors and the development of Liberalism, the final chapter is devoted.

The plan of the volume is good. But a work covering such an extensive period gives opportunity for criticism. The author has been obliged to make much use of generalization and some of his statements may not be accepted without reservation. It is hardly correct to say —at least without considerable explanation—that "Bright was later, together with Gladstone, leader of the party which by its struggles gained the franchise in the decade of the sixties for the city workingmen" (p. 498). It may be questioned whether adequate explanation is given for the decline of Chartism (which as a movement is treated at some length), and whether a reader of the many pages on Owen will have a definite impression of the importance of the cooperative movement developing from his ideas. Occasionally fault may be found because of misstatement or omission: Lord John Russell brought forth his motions for Reform in 1822 and 1823 and not in 1823 and 1824 as the text states. Ernest Jones has no place in the history of the forties although many leaders of the period are mentioned. A bibliography is lacking, but footnotes are adequate. Among the references, however, John Stuart Mill makes a somewhat strange appearance as "J. St. Mill" (pp. 171, 456).

The book merits much praise because it gives unity to quite diverse material. It is by no means easy to take the political events, the teachings of political philosophers—a topic which is much emphasized—the economic and social changes of a stirring hundred years or more, and make a smooth-running and interesting story. And of the interest of the book, both in content and presentation, there can be no

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doubt. It is an acceptable addition to the many good volumes which treat with the whole or with a part of this period of history.

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The Indian Fiscal Problem. By J. C. COYAJEE. Calcutta, Printed at the Art Press and published by Patna University, 1924. —iv, 178 pp.

This book contains a course of seven lectures delivered by Professor Coyajee at Patna University in 1923. The author was a member of the Indian Fiscal Commission which was appointed by the Government of India to examine into and report upon the general tariff situation in India. The commission made its report in 1922 and the majority declared itself in favor of "discriminating protection" for Indian industries. The volume under review not only summarizes the findings of the commission, but it also inquires into the "theoretical considerations underlying fiscal policy", and it attempts "to draw attention to the lessons and warnings in which the tariff history of the last century is so rich". There is nothing startling or original in the volume, but the book does accomplish what the author attempts; namely, an application of theoretical tariff considerations to the economic situation in India. Within the limitations laid down by the author, an excellent treatise has been written.

The seven lectures deal with the following topics: Lecture I, a general discussion of the arguments for protective tariffs with special reference to India. The author concludes that the "infant industry" and the "diversity of employment" arguments are specially applicable to India. At the same time he calls attention to the fact that these arguments for protection are not necessarily conclusive. Lecture II discusses the meaning of the term "discriminating protection". By this phrase is meant protection based upon and guided by the principle of comparative cost. In other words, it extends protection only to such commodities in the production of which a country enjoys, or can be shown to enjoy ultimately, a comparative advantage. The nation which accepts the doctrine of discriminating protection has committed itself to a definite policy regarding (1) the industries to be selected for protection; (2) the amount of protection to be extended to them; (3) the length of time such artificial assistance is to be given. Lecture III contains a discussion of the ideas of some leading economists regarding protective tariffs. Some

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ideas of Alfred Marshall, Schmoller, List, Taussig, Leroy-Beaulieu and Schüller are briefly discussed.

Lecture IV treats of the probable effects of protection upon the real wages of the agricultural population. Lecture V outlines the need of certain industries for some degree of protection. Paper-making, the chemical industry and the manufacture of steel, glass and sugar are the industries selected for treatment. Lecture VI takes up the difficult question of foreign capital and reaches the conclusion that India is in no grave danger of being swamped by an inflow of capital from other countries. The last lecture considers India's place in the British Empire and concludes that India has more to gain than to lose from imperial reciprocity.

The faults that might be found with the book are neither numerous nor fundamental. For American readers the name of the book is unfortunate. We give a much broader interpretation to the word fiscal than the author does. The title "The Indian Tariff Problem" would be much more exact. Again, the author sometimes gives the opinion of a "distinguished economist" without telling who the economist is. This is always irritating to the informed reader. Another criticism might be offered of the discussion on page 16 where the author contrasts the receipts from customs in India and Japan and draws an argument therefrom. The years under comparison are 1904-5 and 1921-22. One cannot safely draw a conclusion regarding the play of economic forces in the two countries if manipulation of the tariff rates occurred between the two years. Such was the case in India. Higher duties went into force on March 1, 1916.

The charm of the book lies in its scientific attitude towards a disputatious subject. Many books written by Indian economists have contained so much propaganda that the scientific merit, which is often present, has been obscured. They have not been content to put tongues in the alleged wounds of India and "bid them speak". The author knows the tariff literature (no mean achievement) and with this knowledge, or because of it, has consistently maintained a balanced judgment towards the problem in India. When one recalls the partial destruction of the cottage textile industry in India because of Lancashire competition it is easy to understand why the Indian economist might have strong feelings on the subject.

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Labour in the Coal Mining Industry, (1914-1921). By G. D. H. COLE. Economic and Social History of the World War. British Series, Carnegie Endowment for International Peace. New York, Oxford University Press, 1923.—xiv, 274 pp.

Wages in the Coal Industry. By J. W. F. ROWE. London, P. S. King and Son, Ltd., 1923.—viii, 174 pp.

In the history of the labor movement of a given country there is always some one organization which, at a given time, epitomizes the whole movement. In Britain, in the sixties and seventies, it was the Amalgamated Society of Engineers, then a "new model"; in the nineties, with the re-entry of radicalism into the British movement, the dock workers and the other unskilled groups came to occupy the foremost position in the public eye. Throughout these many years the coal miners figured in many important developments, not the least of which was participation in parliamentary campaigns. Yet, it is only about 1912 that the coal miners' organization becomes the spearhead for the British trade-union movement. It was in that year that the British Coal Miners' Federation forced, after a general strike (the first general strike in coal mining on record), the passage by Parliament of a miners' minimum-wage law. It was in the same year that the coal miners' union officially endorsed socialism. In the year or two that followed, we find the coal miners taking the lead in bringing into being the so-called "Triple Alliance", in conjunction with the railway men and transport workers. It was this Triple Alliance, an alliance of the three foremost industrial unions of England, that was looked upon as the backbone of the economic strength of British labor. The British Trades Union Congress, unlike our own American Federation of Labor, has been and still is nothing but the foreign office of British labor. Its activities are directed to the outside, to the regulation and influencing of the activities of the government. The British labor movement lacks a "department of the interior," which should specialize in the coordinating of the several unions in the movement. The Triple Alliance was intended to perform just this function plus the additional one, which the American Federation of Labor does not perform, of organizing joint movements against the employers and, as later events have shown, even against the existing economic constitution of society—private capitalism. The miners' organization supplied the actual drive in the Alliance. In 1919 and 1920 was the miners' organization which actually threw down the gauntlet to the Coalition Govern-

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ment and the capitalist class and demanded the nationalization of the mines under threat to strike. It is this highly spectacular and significant episode in the world labor movement which Mr. Cole depicts and dissects, among others, with the thoroughness of a conscientious historian. In fact, we scarcely find a trace of Mr. Cole the Guild Socialist through the three hundred closely packed pages of fact and conservative inference. Another significant feature of Mr. Cole's account is the new light which is thrown upon the episode of the alleged betrayal of the miners by the Government of Lloyd George with reference to the pledge to abide by the decision of the Nationalization Commission. After Mr. Cole's account, one is far less certain of the betrayal than heretofore; for when the pledge is actually examined, both with respect to wording and meaning, the iniquity of the case is no longer so clear. It is such fair treatment of one of the most soul-stirring episodes in labor history which stamps Mr. Cole as a fair and reliable historian.

The book by Mr. Rowe is a useful supplement to Mr. Cole's account. It represents a study of the same period and the same union from the side of wage movements and changing methods of wage remuneration. It is primarily statistical and analytical. From this work the labor historian, who is accustomed to deal primarily with incidents of conflict or agreement—all of them matters of human relationship—can learn a useful lesson of the real complexity of statistical facts of such assumed simplicity as scales of wages and changes therein. Both studies are excellent examples of research in the history of labor relations in specific industries. It seems that the time is past when much that is new can be contributed by the approach of general labor history; studies in specific industries are the order of the day.

S. PERLMAN

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BOOK NOTES

As M. D. Pasquet points out in the preface to his *Histoire politique et sociale du peuple américain, Tome I, Des Origines à 1825* (Paris, Auguste Picard, 1924; x, 410 pp.), the material available in the French language for those of his countrymen who desire to inform themselves about the history of the United States is extremely scanty. He has accordingly undertaken to provide, in this and a succeeding volume, a survey of our national history which shall take adequate account of what has been done by the younger, as well as the older, generations of American scholars. He is convinced also that what is most needed by French readers is not primarily political history in the ordinary sense but an explanation of the processes by which our American society has become what it now is. In language reminiscent of Turner's essay on "The Significance of the Frontier", M. Pasquet indicates the unique opportunity which this record offers to European students of the history of civilization: *"C'est la première fois, dans l'histoire du monde, que les hommes ont vu, dans l'espace de quelques générations, apparaître, pour ainsi dire sous leurs yeux, une nation nouvelle. Tandis que les origines des autres peuples se perdent dans l'obscurité des époques anciennes, le développement de celui-ci se produit tout entier au grand jour de l'histoire."* The necessarily brief but judicious account of the literature of the subject, given in the preface and in a concluding bibliographical chapter, indicates that the author has kept remarkably well in touch with the progress of American historiography; and the quality of the narrative confirms this impression. Deserving of special notice also is the series of well selected illustrations chiefly reproduced from contemporary publications. A large proportion of them are in line with the author's special interest in social history—a typical colonial house, a cabin in a frontier clearing, an old-time stage, an Ohio River flatboat, and so on. It would be too much to expect in a general survey like this much that is new to American students; but some of them at least will be interested in the skilful treatment of certain topics, as in the chapters on "The Peopling of the Colonies" and on westward expansion. Some slips in matters of detail, some debatable generalizations, and the omission of one topic or another which may seem to deserve attention—these are almost inevi-

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table in a manual of this kind; but there is surprisingly little which calls for adverse criticism. In short, M. Pasquet deserves the thanks not only of his own countrymen but of those Americans who can appreciate an interpretation of their history, at once sympathetic and discriminating.

Whether we call it theology, philosophy or sociology, the enterprise of finding out what a social group is, and what principles, if any, govern its activities, appears to be at least as old as speech. Every now and then during the past twenty-five centuries somebody has rediscovered the difficulty of measuring anything in which man has a part or interest, because of the identity (or partial identity) of measuring subject with measured object. This, coupled with the infinite complexity of social phenomena and the want of uniform, recurring "elements", makes many an investigator wonder if the term "social science" should not be abandoned for something less ambiguous like "social studies". Eduard C. Lindeman's *Social Discovery* (New York, Republic Publishing Company, 1924; xxvii, 375 pp.) is one more attempt to "outline", "approach", or "introduce" the "scientific" method of social exploration. The idea of checking a situation or phenomenon by providing an outside observer and an inside "participant observer" is less novel than the latter term. This is just what the properly trained historian does when he employs multiple sources. Probably most college freshmen who take history courses nowadays are familiarized with the procedure. Of course, the use of accounts of completed events is not quite the same as the observation and recording of processes still under way. The fact remains, however, that there are comparatively few social phenomena so narrow, so complete in themselves, and so obvious at the time in their bearing upon "the common adventure of mankind", as to lend themselves to precursory observation. In criticizing older prolegomena to social study, the author is not always any too familiar with their aims and methods. For example, it is not the province of history to predict, though the historian may do so, being a person as well as an investigator. His professional function is to find out what occurred, and to sift it, if possible, until it is comprehensible to those not present. The statement that "statistics is not a method of discovery" (p. 100) hardly holds true for present-day methods. On the contrary, this is often the only way to discover the nature and degree of relationship between recurrent phenomena—for example, in our intricate economic system. In spite of the tedious and ponderous style of this book, of the vast field so

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loosely covered, and of an irritating disdain for the work of others, it is worth reading. There is so little understanding of the special difficulties involved in social investigation that even a grain of this rare and precious product repays the working of a vast quantity of ore.—M. M. K.

The founder of what has come to be called "Leninism" has left volumes of books, articles and speeches; in addition most of the mass of legislation of the first five years of the Soviet régime was written or at least edited by Lenin. All this material gives the basis for judging Lenin's political and economic doctrines. But as even his most ardent admirers are coming to admit, Lenin's real genius lay in the field of revolutionary tactics; Zinoviev recently asserted that strategic maneuvering constituted his greatest gift. It is therefore important to have some definite facts on the personality and temperament of this acknowledged leader of Bolshevism. In *The Man Lenin,* by Isaac Don Levine (New York, Thomas Seltzer, 1924; vii, 209 pp.), the writer has given extracts from reminiscences of followers and opponents, of their personal relations with Lenin. Also the current stories of his mode of life have been brought together in journalistic form. In addition, the writer was able to secure detailed accounts of some of the first and most important meetings of the Central Committee of the Communist Party. These records, which mention at this early date the small directing "Political Bureau" of which so much has been written of late, show Lenin's methods of dealing with opposition within the ranks of his organization. Here again it was by strategy, or even tricks, that he won his points. The writer arranges his material to show that Lenin was not an original thinker, but primarily and in every move the strategist, securing support by daring tactics, disarming opposition by sarcasm and ridicule, and appealing to the emotions when it would serve his aim.—S. H.

Die Bedeutung Europas für die Entwicklung der Weltwirtschaft, by Bruno Kuske (Cologne, O. Müller, 1924; vii, 114 pp.) has significant bearing upon current political problems and upon the development of economic history as a science. It marks a break with the intensely nationalistic traditions that have so long dominated German thought and scholarship. The book sketches the position of Europe in the world at large in order to secure the perspective needed for sound appraisal of the immediate political problem. It applies the concept of "world economy" to the entire historical period: a new departure in historical writing that is executed with

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vigor and an unusual sense of historical perspective. During the later generations of the classical period, Europe was brought into contact with the higher civilizations by colonists from Asia Minor and Northern Africa. For a long period, Europe passively accepted these influences from outside. The towns, which were the basis of trade, were also centers from which cultural influences were diffused. The towns, both in the late classical period and in the middle ages, were an outgrowth of the essentially colonial phase of the development of Europe. Contacts with the other continents underwent a great transformation in the period extending from the fourteenth century to the early eighteenth century. Without profound changes in industrial technique, methods of production and trade were organized so effectively that European products could win new markets first in the old world and later in the new world. The foundations were laid for the conquest of these outlying markets for manufactured products and the development of large imports of raw materials and tropical foods. The full development of European manufactures was made possible only by the technical changes of the Industrial Revolution, which placed the craft labor of the older continents at a serious disadvantage in fields of industry that increased steadily in extent. The colonial enterprises of Europe were at first means of increasing her economic predominance among the continents, but by immigration, by diffusion of European standards of consumption, and by the acquisition of technical proficiency North America built up an economic system that now challenges Europe. The other continents are already involved in complex transitions from the older order and will certainly escape from the complete dependence upon the European market that characterized their past. In short, the other continents are no longer obliged to export raw products in exchange for European manufactures. They are processing their raw products in varying degrees even when the products are primarily intended to satisfy European demand. They are also engaging in manufacturing for their own and for foreign markets. Europe can no longer command the raw materials of the world at prices dominated by her advantages in the production of highly manufactured goods. "Thus a new European policy is necessary. The European peoples and states can no longer indulge in an endless and futile display of national jealousies. They must no longer emphasize their differences and peculiarities, or set forth claims to the preëminence of their own national cultures on grounds that are disgraceful or ridiculous. They must bring forward their

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common interests, in comparison with which their differences are negligible: they must think in terms of their common European culture and their solidarity as a continent. Nationalism, which has been for centuries beneficial and stimulating and therefore historically necessary, is beginning to be dangerous to cultural interests. It can no longer remain the basis of political activity, but must be replaced by new principles. Consciousness of European solidarity must dominate the policy of the European states instead of national sentiment and pride. . . . It is high time to talk of a European system, and even though the concept of a United States of Europe may seem utopian and far distant, that problem must be considered and discussed; work towards that goal must be carried through as circumstances permit, just as in the past the ideal of national unity was cherished and developed" (pp. 113-4).—A. P. U.

One of the latest additions to the rapidly growing number of Lincoln books is Henry B. Rankin's *Intimate Character Sketches of Abraham Lincoln,* with a foreword by Ida M. Tarbell (Philadelphia and London, J. B. Lippincott Company, 1924; 344 pp.). For five years, 1856-1861, Mr. Rankin was a student in the law office of Lincoln and Herndon. During this period he came into almost daily contact with Lincoln and thus enjoyed the rare opportunity to observe the man who was soon to guide the destinies of the nation. His observations, supported and amplified by quotations drawn from the writings of others who knew Lincoln intimately during this time, are recorded in this volume. The book is not a history, not even a biography. It is merely a collection of sketches which tend to dignify and spiritualize Lincoln. These sketches are chiefly valuable for the first-hand knowledge which they afford of Lincoln's mental habits and of his efforts to familiarize himself with the great economic and political problems of his day. In his sketch entitled "Mrs. Lincoln in Lincoln's Life", the author attempts to revalue the influence of Mrs. Lincoln upon her husband's life.—H. J. C.

One of the series of Americanization Studies made possible through funds furnished by the Carnegie Corporation of New York describes the methods of Americanization followed by those agencies which touch the immigrant as wage-earner—prospective and actual. The material was gathered by the Division of Legal Protection and Correction, done into book form by Dr. William M. Leiserson and published under the title, *Adjusting Immigrant and Industry* (New York, Harper and Brothers, 1924; xv, 356 pp.). The book tells how the immigrant (usually through some kind of employment agency)

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seeks and finds a place in American industry; how he is treated by employers on the one hand and by the unions on the other; how he is trained within the factory; how he has joined with fellow immigrants to help solve his own problems through the setting up of such agencies as the Immigrant Aid Societies. It describes the physical conditions under which the immigrant works and makes a careful appraisal of both trade unions and shop committees as Americanizing agencies.—P. F. B.

As recently as five years ago there was not a single labor bank in the United States. Since the summer of 1920, when the Mount Vernon Savings Bank of Washington, D. C., was organized and began business, under the direction of the International Association of Machinists, with a capital of $160,000 and a paid-in surplus of $40,000, thirty such labor banks have been launched in this country. The resources of this group of trade-union banks now total nearly one hundred million dollars. In a stimulating little book entitled *Labor's Money* (New York, Harcourt, Brace and Company, 1923; 181 pp.) Mr. Richard Boeckel has described the labor banking movement, explained its origins and discussed its meaning and significance. The labor banks are seen as the result, very largely, of a demand, chiefly within the unions themselves, for new trade-union methods. These new methods are better adapted than the older, fighting tactics of organizations endeavoring to establish themselves, to the more constructive purpose which some unionists, at any rate, now consider of paramount importance. The new methods must be such as will give to labor a large share in the management of industry. The control of industry is largely a matter of the control of credit, through banks, investment houses and other financial institutions. Many a union, all set to launch some such enterprise as a cooperative store, has found itself balked because of the impossibility of getting credit from the old, established banking houses. Indeed, trade unions not infrequently have found themselves thwarted in the successful prosecution of strikes because of their inability to secure further credit. This last is a situation wherein the newer method (of labor banking) would seem calculated to strengthen and perpetuate one of the most important of the older trade-union methods. But, so far, the brief history of the experience of the labor banks shows that their money and credit have been loaned, for the most part, in the furtherance of constructive ends, for the fulfilment of a desire, which it is assumed animates organized wage-earners, to have a larger share in the management of industry.—P. F. B.

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Under the auspices of the Bureau of Industrial Research, Mr. Heber Blankenhorn has published what he calls in his subtitle "a study of the non-union question in coal and the problems of a democratic movement". The story which is so vividly, yet quite factually told in *The Strike for Union* (New York, H. W. Wilson Company, 1924; ix, 259 pp.) is based upon the record of the Somerset Strike of 1922-23. The history of this strike in the soft-coal fields of southwestern Pennsylvania is made the peg on which to hang a discussion of the problem with which the existence of the non-union fields confronts the United Mine Workers of America; the internal government and misgovernment of unions; the relation between union and the public and between union and employers; and the whole problem of democracy raised by the Somerset situation during that strike period. "Coal-beds," Mr. Blankenhorn remarks, "are simply the liveliest battle-grounds in the struggle for power in American life." The value of this little book is materially increased by the insertion of a frontispiece map of the Somerset region and by the inclusion in an appendix of the testimony of one of the big operators in the Somerset district and the texts of the personal narratives of two Somerset miners.—P. F. B.

A convenient new edition of John Locke's *Two Treatises of Civil Government* is now available in "Everyman's Library" (New York, E. P. Dutton and Company, 1924; xx, 242 pp.), and will doubtless be found useful by teachers who desire to have their students read these classics of political philosophy. The text of the Essays is preceded by a brief biographical sketch and critical appreciation by Professor William S. Carpenter of Princeton University.

Much has been said since the Paris Conference of a "new" diplomacy. The armorial bearings are gone and the negotiators are new; they are politicians rather than diplomats, amateurs rather than professionals. But these differences may not be sufficient to change diplomacy from the stock article that we have known into a novelty. Sir Valentine Chirol, in an introduction to A. L. Kennedy's *Old Diplomacy and New, 1876-1922* (New York, D. Appleton and Company, 1923; xxii, 414 pp.) doubts whether the changes "suffice to justify the distinction". Mr. Kennedy, however, is able to make out a case in describing the conduct of foreign relations under Lord Salisbury, Lord Lansdowne and Sir Edward Grey, and then under Mr. Lloyd George with the Prime Minister as the author, stage manager, and star of the drama. Diplomacy conducted with reference to domestic political situations; conferences instead of negotiations

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by correspondence; subordination of the Foreign Office to the Cabinet Secretariat, and Mr. Lloyd George's staff of private secretaries—Mr. Kennedy presents a careful critique of these matters. He also has some remarks on the possibilities and limitations of the League of Nations, and on diplomacy by vague formulæ which settle nothing but appear to reconcile discordant views and serve as a sedative for popular passions. He gives an all too brief treatment of the special problems of the British Dominions.

The old diplomacy, however, receives full treatment in J. A. Farrer's *England under Edward VII* (London, George Allen and Unwin, 1922; 270 pp.) which is devoted almost exclusively to international affairs between 1901 and 1910. The sources are principally German and Mr. Farrer's inquiry is directed chiefly to the effect which Edward VII's stalking across European boards had on the Central Powers; to the fear of the press that the English King was playing a stellar rôle rather than acting as a mandarin who nodded his head at the command of the Cabinet. Controversy will always rage as to whether Edward VII's influence was for peace or for war but it is almost nonsense to suggest, as does Mr. Farrer, that Edward VII "was in the main his own Foreign Minister, initiating, commanding, and controlling all our policy towards other powers" (p. 5). Mr. Farrer underestimates the influence of Lord Hardinge, the Under Secretary of State for Foreign Affairs, who usually accompanied the King, and the latter, even though influential, was an instrument rather than the principal. The fact was, nevertheless, that the well known coolness between Edward VII and his German nephew made some millions of people nervous, and that this nervousness was not lessened by Sir Edward Grey's attitude toward royal meanderings and interviews. Mr. Farrer has no difficulty in showing that Germany believed that England was pursuing a policy of encirclement and many of his quotations are extremely valuable in indicating the influence of the press in international affairs.

The whole field of diplomacy and its control is covered by DeWitt C. Poole's *The Conduct of Foreign Relations under Modern Democratic Conditions* (New Haven, Yale University Press, 1924; vi, 208 pp.), which is one of the best fruits of the Williamstown Institute of Politics. Mr. Poole, who is a Consul General of the United States, modestly says that his treatment is only "suggestive" and hopes for a complete and scholarly discussion of the subject by a more competent hand; but meanwhile he has written an interesting and useful book. Part I deals with organization and method in the

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conduct of foreign relations, the instrumentalities and processes of national and international organization. The second part, on democratic control of foreign relations, discusses secret and open diplomacy, public opinion, and control of the executive by the legislature. Mr. Poole concludes that "there are effective means of control" but his previous pages furnish abundant illustrations of the fact that the supervision of foreign policy is the Achilles' heel of democracy. Holding a responsible position in the State Department, Mr. Poole cannot of course inveigh against the arrangements of our own foreign office, which is not above criticism, and in dealing with European conditions he limits himself to constitutional adjustments and does not discuss the use or misuse to which persons put these adjustments. His volume, therefore, is much more descriptive than critical.

In a volume entitled *La Eleccion Presidencial en Cuba* (Habana, Imprenta y Papeleria de Rambla, Bouza y Ca., 1923; 298 pp.), Vicente Pardo Suarez bitterly arraigns the present Cuban constitution, especially with reference to the method of electing the president of the republic. The Cuban president is elected by an electoral college as is the president of the United States; as a matter of fact the Cuban constitution was modeled directly after our own constitution. In the first presidential election of May 20, 1902, Tomás Estrada Palma was elected without opposition, for those in favor of General Bartolomé Maso withdrew their candidate and did not vote. The reelection of Palma early in 1906 was followed later in the year by a revolution launched by his opponents on the ground that the election had been dishonestly effected. The situation became so critical that Palma appealed to the United States; then followed the second occupation of Cuba, which continued until 1909. The republic was inaugurated a second time with General José Miguel Gómez as president. The presidential campaign of 1912 was so bitterly fought that for a time it was generally supposed that another intervention was impending. In 1916 General María García Menocal ran for the presidency a second time. He was opposed by the Liberal candidate Alfredo Zayas. The election was so close that an appeal was made to the Supreme Court to decide certain contested votes. Without waiting for the decision the Liberals appealed to arms. Thanks to the support of the United States authorities, the rebellion was put down, and on March 20, 1917, Menocal entered upon his second term. With the assistance of Major General Crowder a new electoral law was drafted in August, 1919. This new law required each

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voter to possess an identification card, and provided for the public counting of the ballots and the recognition of all political parties. In the campaign of 1920 the Liberals offered as their candidate General Gómez, an ex-president and leader of numerous rebellions. The opposition, a Liberal-Conservative coalition, nominated Alfredo Zayas. Amid intense excitement and no little confusion the election was held, but no official results were announced owing to the lack of returns from several districts and charges of fraud on both sides. In the supplementary elections, held on March 15, 1921, the election of Zayas was confirmed. Such is the record of confusion and violence that has attended the Cuban elections. "There is only one remedy for the election malady," says Señor Suarez; "the constitutional clause should read: the president elected by Congress shall serve six years and neither president nor vice-president may be reelected during the six years following his term." The author is particularly insistent that there shall be no reelection. "Reelection is a mistake which has caused great trouble. Cuba followed the United States and allowed it, but her people were not as well prepared. Other nations allowing reelection are Santo Domingo, Peru and Nicaragua, only three in all. On the other hand, Argentine, Bolivia, Brazil, Chile, Colombia, Costa Rica, Uruguay, Ecuador, Gautemala, Haiti, Honduras, Panama, Mexico, Salvador and Venezuela do not allow reelection, and are better off thereby. The presidents who look for reelection are tempted to use their power and the power of all governmental officials to gain their end. The people who are thus trampled upon have no redress but revolution." This is by no means an unprejudiced work. Pardo Suarez is candid in his denunciation of all the Cuban lawyers, statesmen, General Wood, General Crowder, ex-President Taft, all who had any part in framing the constitution and laws of Cuba. We remain unconvinced, however, that strife and turmoil will cease immediately after the parliamentary system of France is established. As a matter of fact, what Cuba needs, more than constitutional reforms, is more public schools to create intelligent voters.—J. L. M.

Labor unions have a voluminous literature of their own, but the unions of employers, in their trade, technical and professional associations, have been discussed in only a fragmentary fashion. Our impression of them is likely to be colored too strongly by the knowledge that they are often prejudiced on the question of unionism or partisan in their formulation of policies on national questions. Nevertheless, they are playing a much more important rôle in our

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national life. The whole subject of employers' associations and trade associations is now well worth a more careful and comprehensive analysis than usually given it. This is what M. Étienne Villey has attempted in his study, *L'Organisation professionnelle des employeurs dans l'industrie française* (Paris, Librairie Félix Alcan; xxii, 395 pp.), which is an historical, documentary and statistical survey of the development, activities and tendencies of trade associations in France since 1884. The evolution shows three phases—the period from 1884 to about 1900, when the habit of association grew up; the period from 1900 to the beginning of the war, when associations were largely defensive in purpose, whether against foreign competition, "unwise legislation" or aggressive unionism; and their development since the war, a period during which they have become more compactly organized and have more definitely assumed positive and constructive trade activities. In the latter part the educational effect of the associations upon their members is emphasized in particular. The survey covers almost all the important trade and parfessional organizations. It outlines their policies on economic and political questions, their relations with the organizations of workers and the part they have played in various national questions. This is the kind of study which the historian and political scientist of the future will use more and more for an understanding of current forces.—H. F.

When propaganda is written by an honest gentleman and a scholar, without the slightest intention of distorting or misrepresenting the facts, it has that candid, artless, effective subtlety which is of all kinds most difficult to combat. Count Paul Teleki's *The Evolution of Hungary and its Place in European History* (New York, The Macmillan Company, 1923; xxiii, 312 pp.) is this sort of book. It is filled with suggestive historical, geographic and economic data of first-rate usefulness. Originally a set of lectures, delivered at Williamstown in 1921, it possesses the fluency and interest of that type of composition. If, instead of its frankly irredentist foundation upon the great Hungary of pre-war times, it had been based upon the Hungary of today, and doubtless of tomorrow as well, it would have been a hundred times more useful. As it stands, it is merely an elaborate introduction to the problems of present-day Hungary, and a very one-sided one at that.—M. M. K.

The complexity of the situation which produced the war between North and South gradually is being realized. No longer is it to be considered only as a struggle over slavery but as an intricate socio-

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logical problem. The economic phase of the difficulty is analyzed and described in *Economic Aspects of Southern Sectionalism, 1840-1861, University of Illinois Studies in the Social Sciences,* vol. XI, nos. 1 and 2, by Robert Royal Russell (Urbana, Illinois, University of Illinois, 1923; 325 pp.). The author in this study explains the unsatisfactory southern economic situation during the period and the various movements undertaken to better these conditions, such as agitation for direct trade with Europe, diversification of industry, and, of course, political control of federal legislation. In considering the discussion of the politics of the period the reader has to go over once more a great deal of well known detail, but the chapters on the non-political activities bring to a careful and convenient summary much widely scattered material. The principal virtue of the book is the valuable study it presents of the attempts to induce "sectional patriotism and pride [to] take the form of developing the economic resources of the south". These projects failed because of the ineffectiveness of the propaganda and the passionate prejudices of the day, but had they succeeded they might have prevented the conflict that proved inevitable.—R. N.

The anonymous author of *As They Are: French Political Portraits* (New York, Alfred Knopf, 1923; 217 pp.) has attempted to imitate *The Mirrors of Downing Street* and *The Mirrors of Washington.* His effort is less incisive than the former and less cheap than the latter. The book will probably fail to receive adequate recognition in this country, for Americans are unfamiliar with the subjects of the sketches and the author writes for the partly informed rather than the ignorant. His allusions to domestic political controversies, to the differences (imperceptible except to the initiated) between party programs, and to fine points of the governmental system, like the importance of the Ministry of the Interior in electoral campaigns, assume an acquaintance with French politics; and his analysis of the public men whom he discusses frequently presupposes a knowledge of the salient facts of their careers. Nevertheless the uninitiated reader may glean some insight into the records and character of French statesmen, most of whom have headed or been in cabinets and the rest of whom are "*ministrables*"—that is, cabinet timber—with an occasional subject who has been more prominent in finance, diplomacy, or the army than in politics. Clemenceau, Caillaux, Herriot, Loucheur, Millerand, Painlevé, Tardieu, Viviani, Briand and Poincaré are the best known of the subjects. What little bias the author shows is against persons of the Left like

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Caillaux whose "*rancours*" may make him "a dangerous man". The author is frequently penetrating and clever and his observations in the sketch of Millerand read prophetically in the light of the crisis over the presidency.

A full-length sketch of an ex-President of the French Republic, an ex-President of the Council, and a prominent figure in the discussion of the origins of the war is given by Sisley Huddleston in *Poincaré: A Biographical Portrait* (Boston, Little, Brown and Company, 1924; 192 pp.). Mr. Huddleston, who is a newspaper correspondent, writes as a reporter rather than a biographer. He pictures Poincaré in a series of rôles: the enigma, the man, the Lorrainer, the patriot, the letter-writer, the War President, the Peace President, the journalist, the "friend of the Royalists", the Prime Minister, the diplomatist, the lawyer, the actor, the economist, and the visionary. The volume is readable and interesting but it is nothing more than high-class journalism. There is an excellent picture of how Poincaré works and of how his speeches are prepared, but on Poincaré in connection with the outbreak of the war there is nothing; on the implications of the Ruhr policy there is also nothing. And Mr. Huddleston makes some curious contradictions. He shows exact knowledge of what must happen in Europe if peace is to be obtained but exculpates, or at least fails to criticize, Poincaré for actions precisely at variance with the policy that an ideal of European peace would make necessary.

Students of American expansion will welcome Paul Neff Garber's doctoral dissertation entitled *The Gadsden Treaty* (University of Pennsylvania Press, Philadelphia, 1923; viii, 222 pp.), for therein is set forth incisively and lucidly the story of the Gadsden Purchase. Mr. Garber has studied the question from every conceivable angle, and he proves conclusively that, even though Gadsden was a Southerner and on intimate terms with such Southern leaders as Calhoun and Davis, the negotiation of the treaty had no direct connection with the expansion of the institution of slavery as asserted by the historian Von Holst. The treaty, the author maintains, was in large measure the product of the spirit of the age—a spirit of militant expansion. The immediate cause for negotiating it was, in part, the desire for a suitable railroad route between the southern states and the Pacific; and, in part, to secure the settlement of certain conflicting interpretations growing out of the treaty of Guadalupe Hidalgo. Gadsden, incidentally, is pictured as the Asa Whitney of the South. The volume is especially valuable for the light which it

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throws on the sinister influence of American speculators in the negotiation and ratification of the treaty. It also gives an admirable picture of the political and economic conditions in Mexico in the decade following the Mexican war. Mr. Garber has made a real contribution to the history of American imperialism.—H. J. C.

The Creighton Lecture for 1923 was delivered by Mr. G. P. Gooch and was devoted to the subject of *Franco-German Relations 1871-1914* (New York, Longmans, Green and Company, 1923; 64 pp.). This difficult and complex subject is presented within the compass of sixty-four pages. The task is exacting and it cannot be said that the result is in any way notable. Many of the points of contact and contention between the two countries are treated, of course, with compulsory brevity, and certain topics of commanding importance are neglected, such as the significance of the alliances, Triple and Dual, in the mutual relations of these two neighbors. The survey is interesting throughout, and here and there is provocative of questioning or dissent. Mr. Gooch writes, to use a political expression, from the point of view of the Left. He is no friend of "dictated" settlements, as they are apt to have short lives. He says that the peacemakers of 1919 have no title to cast stones at the peacemakers of 1871, who apparently settled nothing permanently. Curiously enough, he holds that the Anglo-German naval feud was "solved" at Scapa Flow, while the Franco-German feud has not only survived but has been intensified by the Great War. It has not only poisoned the life of the Continent since 1870 but it "dominates and poisons it today". Yet both these results of the World War are "dictated" settlements. To be sure the German fleet reposes on the bottom of the ocean, while Alsace and Lorraine are as visible as ever. But it is by no means certain that the recovery of sea-power will not be as dear to the German heart or be as much considered a commanding national interest as the recovery of Alsace-Lorraine.

From time to time student and general reader alike catch glimpses of mysterious figures, prominent in their day, who remain only as names. One of these vague personalities is fully revealed in *James Henry Hammond, 1807-1864, Johns Hopkins University Studies in Historical and Political Science,* Series XLI, No. 4, by Elizabeth Merritt (Baltimore, Johns Hopkins Press, 1923; viii, 151 pp.). The author in her painstaking search through the large collection of the papers of Senator Hammond of South Carolina finds a hypochondriac obsessed with his physical misfortunes but buoyed up by an abnormal self-confidence. By fortunate marriage and his own

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business ability he was one of the wealthiest slave-barons of the South and one of the few who saw the need for scientific agricultural methods and diversified industry. His chief interest, however, was politics. In public life he gained fame as a defender of slavery and as a Southern nationalist who felt that secession was feasible only when the South was united. A promising career was interrupted by a personal scandal which drove him into the seclusion of his vast plantations. His influence was not dead during his retirement, for his writings continued to circulate, and after fifteen years his wealth and the exigencies of South Carolina politics caused him to be recalled to represent his state in the Senate. After two years' service he followed his state in secession; he did this reluctantly, not because he was doubtful of the justice of the act but because he felt the time was not ripe. This study is well done and the author is to be complimented on her ability to keep Hammond always in the foreground and to refrain from needless discussion of the history of the times—rare biographical virtues.—R. N.

"There is no more egregious error into which a political scientist can fall than to assume indifference to the institutions of small states," writes Thomas Harrison Reed in justification of his volume *Government and Politics in Belgium* (Yonkers-on-Hudson, New York, The World Book Company, 1924; xv, 197 pp.). This may be true generally in respect of small states, but proportional representation, compulsory voting, and an upper chamber recruited by direct election, indirect election, and coöptation, make Belgium particularly interesting. The workings of cabinet government with a provision for the dissolution of the legislature, moreover, are worth while contrasting with the adjustment in France where the power to dissolve has fallen into desuetude. Yet to some of these features of the Belgian constitution Mr. Reed assumes indifference. Proportional representation is dealt with fully, but there are only two pages on compulsory voting and no mention of different results of the experiment elsewhere. Mr. Reed is apparently unfamiliar with Professor Barthélemy's elaborate report to the French Chamber of Deputies (*Revue du Droit Publique,* January, 1923). The discussion of the Senate consists of a paraphrase of the constitutional provisions, as revised in 1921 (the volume incidentally does not contain the text of the constitution) with not a word of criticism. Belgian writers are less tolerant. They have called the plan "a hybrid formula" embodying elements of different solutions to conciliate different groups. Mr. Reed says that the right of dissolution

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is "in full force in Belgium" and its "most unusual feature" is the possibility of its application "to either House separately or to both together" (p. 83). But there is no mention of the number of times or the circumstances under which dissolution has been used jointly or singly—an astonishing lacuna. Mr. Reed's information (particularly on political parties and local government) comes in part from residence in Belgium, but the references are rather meagre. There is no attempt to make available the extensive periodical literature on the Belgian government. Professor Errera is the oracle chiefly relied upon. One important bibliographical omission is Maurice Damoiseaux, *Les Institutions nationales de la Belgique,* published in Brussels in 1922.

Two editions of *The Autobiography of John Stuart Mill* have just been published. One of the editions also includes some of Mills's hitherto unpublished speeches: "The Utility of Knowledge", "The British Constitution", "Perfectibility", "The Church" (1823-29), and "Secular Education" (1849). Mr. Harold J. Laski contributes an introduction (London, Oxford University Press, 1924; xx, 343 pp.) which gives a careful critique of the *Autobiography* and a brief appraisal of the influence of the utilitarian school. Mills's text is printed with the excisions made by his stepdaughter, Helen Taylor. But the complete manuscript, which was sold in 1922, is used for the other edition (New York, Columbia University Press, 1924; vii, 221 pp.). This has a brief prefatory note by Professor John Jacob Coss and is excellent typographically. It appears from the full text that the previous omissions are of no historical or personal importance. They run only to a few pages in all and were due to Miss Taylor's modesty. She eliminated the more flattering references to herself and to her mother.

Volume XXVII of the Harvard Economic Studies, entitled *The History of the United States Post Office to the Year 1829,* by Wesley Everett Rich (Cambridge, Harvard University Press, 1924; vii, 190 pp.), is a doctoral dissertation which traces in an interesting manner the establishment and development of our post office from colonial times through the early years of the republic. The first three chapters which deal with the colonial period are somewhat different in point of view from Miss Mary E. Woolley's excellent study on the early history of the colonial post office, published in 1894. Two chapters are devoted to the extension of the service and one chapter to each of the following: The Post Office as a Public Service, The Internal Organization of the Post Office, Politics in the Post Office

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Department, Financial Operations and Postal Policies. The twelve tables included in Appendix C admirably illustrate the text. The volume, unfortunately, is not indexed. This omission may be due to the fact that the author died of influenza in a military camp during the Great War, and before his work was published. The work is a scholarly contribution to the social and economic history of the period covered.—H. J. C.

Americans who agree with Ambassador Kellogg that the Dawes Plan of extracting reparation from Germany is "the greatest piece of constructive work of modern times" may read with profit, if not with unmixed pleasure, the informing little volume contributed by Harold G. Moulton to the Institute of the Economics Series, under the title, *The Reparation Plan* (New York, McGraw-Hill Book Company, 1924; x, 325 pp.). With the aid of the Council and staff of the Institute, Mr. Moulton has written an admirably clear analysis (chapters i-iii) of the Dawes Plan, or, to be more accurate, of the reports made last spring by the two committees of experts, and to the analysis has added three chapters of sweet-tempered but penetrating criticism. The merits of the Dawes Plan are fairly acknowledged and praised: notably its recognition of (1) the interrelation of currency, budget, and the international balance of payments, (2) the importance of sound economic conditions in Germany, and (3) the necessity of applying the plan as an indivisible whole. But on the other hand the author irreverently exposes the defects of the Dawes Report. The estimate of revenue for the earlier years is "altogether too sanguine" (p. 83). The argument of the experts that the extinction of Germany's domestic debt makes possible larger reparation payments is shown to be unsound. The Dawes Committee allowed "overlapping estimates" to vitiate its work; that is to say, the committee hoped by means of the railway and industrial bonds to exact heavy tribute from German industry, without lessening the ability of German taxpayers to provide a budget surplus, whereas Mr. Moulton believes that the funds taken from railways and industries are taken from the German nation just as truly as if by taxation, and lessen the taxable resources of the nation. To be brief, the schedule of payments to be made by Germany is too optimistic and must be kept flexible if the plan is to work. More serious is the problem of transferring German payments to the Allies, a problem which the Dawes Plan leaves to the business judgment of expert administration. The Dawes Committee, Mr. Moulton claims, "deemed it expedient to fix the schedule of payments much

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in excess of the amounts which there was reason to believe could be transferred by means of an export surplus" (p. 43). The reader, if he will, may add the conclusion that even the Dawes Plan throws a sop to politics, in the form of exaggerated schedules that cannot be realized. As to their realization, Mr. Moulton is pessimistic. He points out that higher prices are to be expected in Germany (because of high interest, increased railroad rates, heavier taxes, and stabilization of exchange), and that these in turn may tend to restrict German exports; and Germany's export surplus, he insists, must be the final measure of reparation payments. "The reparation problem in all its aspects is far from settled" (p. 3). Among the "unsettled aspects" (ch. vi) are the total sum to be paid and the amount paid to date. If the total to be paid remains fixed at the figure of 132 billion gold marks, in accordance with the Reparation Commission's decision of 1921, "Germany would have to make payments perpetually and yet go ever deeper into debt" (p. 117), since 2.5 billion gold marks a year will not afford five per cent interest on 132 billions. Mr. Moulton would fix a definite term of years for reparation, rather than a total sum. And, he warns us, unless the Dawes Plan is wisely administered, and unless the unsettled aspects are adjusted, "the valuable work of the Expert Committees will have been in vain" (p. 133). Appendices at the back of Mr. Moulton's book contain the texts of the committees' reports, with a useful index.

Despite its slips in dates, John Donald Wade's *Augustus Baldwin Longstreet: a Study of the Development of Culture in the South* (New York, The Macmillan Company, 1924; ix, 392 pp.) is a valuable contribution to the literature of American history. Here is not only the story of the life of a man who was in turn lawyer, judge, journalist, preacher and college president, but an interesting and illuminating account of Southern society and Southern ideals. No one can read this volume without better appreciating the social and economic problems which the South faced during pre-Civil War days. It reveals too that many Southern leaders, especially of the rising generation, regarded the war and the emancipation of the slaves as a blessing in disguise in that the abolition of slavery paved the way for the rise of industrialism. Some perhaps may feel that the detailed description of Longstreet's *Georgia Scenes* might have been curtailed without seriously injuring the value of the book. On the other hand, however, it should be borne in mind that these sketches, portraying the manners and customs of Georgian life, are invaluable to the student of social history.—H. J. C.

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SUPPLEMENT

RECORD OF POLITICAL EVENTS

[From July 1, 1923, to December 31, 1924]

EDITED BY

LINDSAY ROGERS

AND

PARKER THOMAS MOON

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PREFACE

This issue of the RECORD OF POLITICAL EVENTS introduces marked changes both of method and of purpose in a feature of the POLITICAL SCIENCE QUARTERLY which has become increasingly prominent during the past quarter of a century. Publication of the RECORD was begun in the fourth volume of the QUARTERLY (1889). From the outset this summary of the political events of the year made a secure place for itself. Professors William A. Dunning and Munroe Smith, who prepared the early numbers of the RECORD, set for it high standards of impartiality and scholarly accuracy, and in later years men of ability and distinction were found to continue the tradition.

For a full generation the RECORD appeared semi-annually, and was of quite modest proportions, but the Great War and the attendant intensification of political and economic problems necessitated a considerable expansion of the annual review, which, consequently, in 1916 assumed a new importance as a separate volume, issued as an annual supplement to the September QUARTERLY. In this form eight numbers have been published. Their usefulness has been attested in enthusiastic terms by scholars, teachers and public men.

The time now seems ripe for a further step. Several monthly magazines, not to mention almanacs and year books, now provide the public with voluminous information on current events, and there seems to be a need, not so much for a purely chronological and factual survey, as for a new kind of record, prepared so far as possible from official documents (which are rarely available immediately after the event to which they pertain), and emphasizing the really significant events which stand out more clearly in a year's perspective than in the maze of daily trivialities. Such a record, it was thought, would make it possible for events to be treated more selectively and for facts to be considered as less free and equal, being more informingly oriented against their background. Such a record, it is obvious, could be prepared only by a number of persons, who were more or less specialists in the fields they endeavored to cover.

In the present RECORD an attempt has been made to realize this ideal. During the eighteen months here reviewed, there have been extremely interesting, perhaps crucial, events in international relations; there have been important elections in the United States, in England, in France, in Germany; there have been revolutionary changes in the Near East; the relations between Great Britain and her imperial dependencies have undergone significant development.

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In the sections on these subjects an effort has been made to provide a more intensive and better documented, and a more interpretative treatment of the really significant events, than would be possible in a chronological summary including minor as well as major occurrences. With unreserved acknowledgment that the effort does not fully measure up to the ideal standard, and that many minor items have been deliberately omitted, the editors venture to hope that this new sort of survey will be sufficiently interesting for the general reader, and useful to teacher or student, to justify the change and the not inconsiderable addition to the labor of preparation.

The attention of teachers of government and politics, and of modern history or of current events, is called to certain features of this new departure. The former will almost certainly find material of great value in the detailed articles on domestic politics in the United States, and in the articles on several European countries, notably Great Britain and France. Much of this material was obtained directly from unpublished official information and is not available elsewhere. The latter will find the outstanding events of European history and international relations emphasized and discussed in a way which—it is hoped—will be helpful for teaching purposes. In some cases, moreover, references are given to articles or recent books or official documents which the teacher may find particularly useful.

This new scheme necessarily means a different emphasis each year; it also means omissions. Several of the smaller countries which have been fortunate enough to have had relatively little history in the past year are omitted from the present RECORD. Another year, some of these may demand more attention, others less. There may even be reason for an occasional review of some particular country, or topic, covering more than a single year. In the next issue, for example, it is intended to make way for a discussion of social legislation in the year that is past as well as in the twelvemonth to come. Perhaps it will be advisable to include other topical articles which cut across frontiers. In the selection of such topics, as well as in determining the method of treatment, the editors frankly admit that they are proceeding on experimental lines, and for that very reason will welcome criticisms and suggestions.

L. R.
P. T. M.

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RECORD OF POLITICAL EVENTS

[From July 1, 1923 to December 31, 1924]

I. INTERNATIONAL RELATIONS

THE LEAGUE OF NATIONS.—Both the strength and the weakness of the League of Nations were revealed more clearly than hitherto in the eighteen months reviewed in these pages. The total number of **Members** was increased from fifty-two to fifty-five by the admission of the Irish Free State[1] (Sept. 10, 1923), Abyssinia or Ethiopia[2] (Sept. 28, 1923), and the Dominican Republic (Sept. 29, 1924). The only important sovereign states remaining outside the League were the United States, Germany, Russia (The U. S. S. R.), Turkey, Mexico, Ecuador, Afghanistan and Egypt; the other non-members were either microscopic states such as Monaco, or protectorates such as Morocco and Tunis. Yet the continued absence of three Great Powers from the roster of members remained a source of weakness and embarrassment to the League. The United States, to be sure, abandoning the policy of complete aloofness, sent official representatives and "observers" to participate in a number of the League's committees and conferences[3] dealing with such topics as the opium traffic, the traffic in women and children, communications and transit, and customs formalities. Nevertheless, the sweeping Republican electoral victory of 1924 seemed to endorse the Harding-Coolidge-Hughes policy of refusing to accept the Covenant. Negotiations for the inclusion of Germany in the League met with a series of obstacles, the most interesting of which was the German Government's contention that Germany, being disarmed, could not without peril employ against a well-armed Covenant-breaking neighbor the sanctions set forth in article 16 of the Covenant. As for the

[1] The Irish Free State subsequently registered with the League the Anglo-Irish "treaty" of Dec. 6, 1921. Great Britain, however, protested, claiming that it was not a *bona fide* international treaty.

[2] *Cf.* League of Nations, *Treaty Series,* XXV, no. 606, for the declaration made by Abyssinia, adhering to general international engagements respecting the regulation of the arms traffic and the maintenance of the commercial "open door".

[3] See the list in *Handbook on the League of Nations, 1920-1924* (World Peace Foundation), and also *World Peace Foundation Pamphlets,* vol. VII, no. 1, by Prof. Manley Hudson.

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Soviet Government, admission to the League for the time being seemed out of the question.

Argentina, Bolivia and Guatemala, though Members, were unrepresented in the League Assembly in 1923 and 1924; Nicaragua, absent in 1923, reappeared the next year; Peru, present in 1923, was unrepresented in 1924. These Latin-American absences, coupled with several delinquencies in the payment of dues to the League, may hardly be regarded as symptomatic of general Latin-American opposition or indifference to the League, for most of the Latin-American states were active and apparently loyal Members. Argentina paid up her arrears in dues.

On the whole, the tendency seemed to be toward greater interest in the League. During the Assembly meetings in 1923 and 1924, Geneva was thronged with delegates, experts, advisers, reporters and visitors, including a disproportionately large number of Americans. Moreover, in the League Assembly of 1924 France and England, and several other states, were represented by their premiers, and a number by foreign ministers; this fact in itself indicated a higher valuation of the debates at Geneva. Several statesmen prominent in Geneva affairs, notably Viscount Cecil, insisted that one of the most significant developments at Geneva was the growth of a new spirit of international conciliation and peace, of what Dr. Nicholas Murray Butler has termed the "international mind," in the atmosphere of the League's Assemblies. Be that as it may, there can be no question that increasing demands were made on the League, in the settlement of disputes, in plans for security and disarmament, in economic and humanitarian affairs. These will be considered *seriatim*.

As an agency for settling **international disputes**, the League was neither so consistently successful, nor so uniformly impotent, as its partisans and opponents, respectively, could have wished. In **the Memel case** it was clearly successful. The Memel district, commanding the outlet of the Niemen River valley, had been taken from East Prussia by the Peace Conference and held by the Allies in trust for Lithuania, which at that time had not yet won recognition. Subsequently, impatient Lithuanian patriots had seized the district, early in 1923, thereby causing a by no means amiable dispute with the Polish Government, which asserted Poland's vital commercial interest in the port. As Poland was backed by France, and Germany was directly interested, the matter assumed European importance. Ordinary diplomacy was futile. The quarrel was therefore referred to the League Council. After hearing the Polish and Lithuanian presentations of the case,[1] the Council found the problem thorny, and passed it on to an impartial commission, under the chairmanship of Mr.

[1] *Official Journal*, Feb. 1924, pp. 363-4.

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Norman H. Davis (former Under Secretary of State of the United States) with one Dutch and one Swedish colleague. The commission visited Memel, investigated the facts with admirable thoroughness, and drew up a convention by which Memel was to enjoy an autonomous local government under Lithuanian sovereignty; there was to be freedom of transit through the port, under an international régime. Thus Lithuanian national sentiment and Polish commercial interests were reconciled. The convention was accepted by the representatives of the Allied Powers in the Council, in March 1924,[1] and the incident seemed to be happily closed.

The Corfu incident[2] was more crucial, and less firmly handled. It was more crucial, because it resulted from violence on the part of a Great Power, a Member of the League Council, Italy, against a small state, Greece. If the incident had occurred in pre-Covenant days, it would have been as permissible as the American seizure of Vera Cruz in April 1914. Had the Covenant altered the standards of conduct as between Great Powers and small? The Mussolini Government claimed that in bombarding and occupying the Greek island of Corfu on August 31, 1923, Italy was not waging aggressive war in violation of the Covenant, but merely seizing a pledge or guaranty to compel Greece to make proper reparation for a shocking crime. The crime, it should be explained, was the murder, by unknown assassins, of the Italian General Tellini and four officers of his suite, on Greek soil (near Janina), August 27, 1923. As General Tellini had been serving on an international commission appointed by the Conference of Ambassadors to delimit the Greco-Albanian frontier,[3] his death might appropriately have stirred the Ambassadors to action, but the ever-energetic Mussolini had not waited on ambassadorial intervention. Instead, the Italian Government on August 29 had addressed a note to Greece demanding: (1) an official apology to the Italian minister; (2) a solemn funeral service at Athens; (3) a salute of twenty-one guns to the Italian flag; (4) inquiry within five days by the Greek authorities with the assistance of an Italian military attaché;[4] (5) capital punishment of the murderers;

[1] *Official Journal,* April 1924, pp. 514, 539, 547, 598: *cf.* F. Kellor, *Security Against War,* ch. xii.

[2] *Official Journal,* Nov. 1923; *cf. The Corfu Crisis* (World Peace Foundation, vol. VI, no. 3), and, for an unfavorable interpretation, F. Kellor, *Security Against War,* ch. ix.

[3] The Greco-Albanian frontier had been in dispute since the Peace Conference. The Supreme Council in 1921 had decided on a provisional frontier and subsequently a commission responsible to the Allied Conference of Ambassadors had undertaken to delimit the frontier in detail, on the ground.

[4] One is reminded of the Austro-Hungarian ultimatum to Serbia which precipitated the Great War of 1914.

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(6) an indemnity of fifty million lire to be paid within five days; (7) military honors to the bodies of the Italian victims.[1] Greece promptly denied responsibility for the crime and rejected demands 4, 5 and 6 "which outrage the honor and violate the sovereignty of the State"; but the other items were accepted in modified form. If this reply should not be satisfactory, Greece would appeal to the League. Rome, however, treated the affair as a matter of national honor, and on August 31 Italian warships bombarded Corfu and landed troops there, as well as on adjacent Greek islands. Incidentally, a certain number of refugees, including some children, were killed in the bombardment. Whether Italy had broken the Covenant by this attack on Greek territory, and should be held liable under article 16, was debatable, since the occupation of territory and even bombardment need not be considered an act of war, according to international precedent. The Covenant, by employing the phrase "resort to war" without defining war, had left a legal loophole big enough for Signor Mussolini. Conscious of this difficulty, the Greek Government prudently refrained from invoking the penalties of article 16 against Italy. Articles 12 and 15, however, requiring that "any dispute likely to lead to a rupture" shall be submitted to arbitration or inquiry, undoubtedly gave Greece a right of appeal to the League. Apparently the Mussolini Government was confident it could disregard the League. Indeed, Mussolini was reported to have threatened withdrawal from the League if the latter intervened. Some observers suspected that he intended to retain Corfu in flagrant violation of article 10. When Greece appealed to the Council of the League on September 1, Signor Salandra, representing Italy, claimed that he lacked instructions from Rome and obtained a postponement. Meanwhile, he insisted that the Conference of Ambassadors, then meeting in Paris, had already begun to consider the case, and should continue. Finally, on September 5, Salandra flatly and "irrevocably" denied the competence of the League in this dispute, whereupon Lord Robert Cecil, with a fine sense of dramatic effect, had articles 10, 12, and 15 of the Covenant read as a tacit rebuke to Italy. Lord Robert's sincere faith in the League harmonized with British interests in preventing Italian retention of Corfu, and with the sentiments of the smaller League Members. France, on the other hand, was noncommittal at first, possibly because M. Poincaré desired Italian support for his own military adventure in the Ruhr. Had the Council taken action against Italy, or insisted on conducting an inquiry, there would have been a clear and a severe test of the Covenant. The test could be evaded by allowing the Conference of Ambassadors to act. Italy and Greece both accepted the Conference's jurisdiction. This

[1] Text and Greek reply, in *Official Journal*, Nov. 1923, pp. 1413-14.

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course could be justified simply by granting the Italian contention that the Corfu expedition was not "war" or "aggression" within the meaning of the Covenant, and by assuming that if the dispute could be settled by the Ambassadors it was not "likely to lead to a rupture," and therefore need not be handled by the Council.

What the Council did was to transmit to the Conference of Ambassadors, in the form of minutes rather than as an official recommendation, a set of proposals formulated by Sr. Quiñones de Leon (Spanish representative on the Council). The Conference modified these terms, in a few details; Greece accepted them; before the end of September Greece had complied with the amended demands and Italy evacuated Corfu.

An edifying comparison may be made of the Italian ultimatum, the Quiñones proposals, and the terms enforced by the Conference. The demands for a funeral service and military honors for the victims were carried out. But Italy, Great Britain and France, rather than Italy alone, received the Greek apology and the salute of twenty-one guns, the Quiñones suggestions in this case being adopted with little change. The Italian demand for an indemnity of fifty million lire was softened by Quiñones, the Ambassadors again concurring, into a requirement that Greece deposit in a Swiss bank a sum of that amount, to be paid to Italy in full or in part as the Permanent Court of International Justice might decide. For the Greco-Italian inquiry, demanded by Italy, Quiñones substituted a Greek inquiry aided by the three Great Powers and supervised by the League; the Ambassadors, however, themselves appointed a four-power commission to supervise the Greek investigation, and eliminated League supervision. The commission reported on September 22 that the Greeks had been negligent in hunting down the assassins. This preliminary report was seized upon by the Ambassadors, September 27, as justification for granting to Italy the fifty million lire Greece had deposited, so that Italy, receiving this financial assuagement of her offended honor, without having to submit her claims to the Permanent Court,[1] could be induced to evacuate Corfu. Thus, in short, the Conference followed the Quiñones proposals but eliminated the rôles Quiñones had assigned to the League and the World Court.

Whether the League stood the test of the Corfu crisis successfully is a debated question. It is clear that the League Council gave

[1] To be precise, the Conference requested the Court to order payment. Dr. Nansen, in the League Assembly, characterized the indemnity award as "utterly unjustified". A later report by the commission attested that there had been negligence on the part of the Greek officials. It may be added that Italy assigned one-fifth of the indemnity to the families of the persons killed by the Italian bombardment.

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Greece a hearing, and devised a compromise which was in large part adopted; it is probable that the moral effect of world opinion at Geneva, so promptly focused on the crisis, moderated Mussolini's attitude. On the other hand, the fact that forcible seizure of territory could not be interpreted as a "resort to war" (article 16) or "aggression" (article 10), clearly revealed the inadequacy of articles 10 and 16 of the Covenant. Furthermore, Italy had successfully challenged the Council's competence under article 15 and the Council had evaded the challenge. The Italian contention, Cecil earnestly declared, "seems to cut at the root of the authority and activities of the League in the future." Cecil's proposal to obtain an opinion from the World Court on the interpretation of articles 12 and 15 was opposed by Salandra, and resulted in a new compromise. Five questions, formulated by a committee of jurists, were submitted to a Special Commission of Jurists for an opinion. The commission's report,[1] dated January 24, 1924, and unanimously adopted by the Council on March 13, Italy concurring, was in effect an *ex post facto* condemnation of Italy's procedure and a confirmation of the Council's competence. Question 1, whether a Member of the League can, as Italy had done, refuse to submit a dispute to the Council on the ground that the dispute is not "likely to lead to a rupture," was definitely settled in favor of the Council: the latter "may at all times estimate the gravity of the dispute and determine its course of action accordingly." As regards Question 2, whether the Council must suspend inquiry if settlement "is being sought through some other channel," the reply was that the Council may take jurisdiction, or refer the case back to another body, except where the dispute has been submitted to arbitration or judicial proceedings. Italy, then, was in error in denying the Council's competence. The reply to Question 3 confirmed the Council's jurisdiction under article 15, excepting only "domestic" questions (as in the Covenant), but it was recommended that the Council should "have regard to international engagements such as treaties of arbitration or regional understandings for securing the maintenance of peace." Particularly vital was Question 4: "Are measures of coercion which are not meant to constitute acts of war consistent with the terms of articles 12 to 15 of the Covenant when they are taken by one Member of the League of Nations against another Member of the League without prior recourse to the procedure laid down in those articles?" This was tantamount to asking, did Italy violate the Covenant. The reply was inconclusive: the Council must decide in each case "whether it

[1] *Official Journal*, April 1924, pp. 523-7; also *World Peace Foundation Pamphlets*, vol. VII, nos. 3-4; *cf.* Mr. Quincy Wright's discussion of the report in *Amer. Jour. Int. Law*, vol. XVIII (1924), pp. 536-44.

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should recommend the maintenance or withdrawal of such measures." Finally, on Question 5, the opinion was that a state is responsible for a political crime (such as the Janina murders) only if the state has neglected to take "all reasonable measures for the prevention of the crime and the pursuit, arrest and bringing to justice of the criminal." On this score Greece was responsible in the Janina crime.

Other international disputes [1] strained the Covenant less severely. The League has in general avoided intervention in Near Eastern quarrels arising from the peace settlement. The **Near Eastern situation** was dealt with by the Lausanne peace conference (*cf.* p. 178 and also last RECORD, pp. 13-16), rather than by the League. Nevertheless the League fell heir, by the Lausanne treaty, to the task of protecting minorities in Turkey, and other obligations, and was further called upon to settle the Anglo-Turkish dispute over **Mosul** (*cf.* p. 175). In the **Anglo-Egyptian controversy** arising over the murder of Sir Lee Stack, Egypt appealed to the League, but as Egypt was not a Member, and as the British announced their unwillingness to brook interference in matters reserved by the terms of the British grant of independence to Egypt (*cf.* RECORD for 1922, p. 81), the Council did not take jurisdiction. Nor did it attempt to deal with the French occupation of the **Ruhr** (*cf.* p. 29 and last RECORD, p. 8), or with the Reparation question; for such refusal the League had at least some legal warrant, besides the very cogent political reason that France would not have tolerated intervention.

In view of the above-mentioned international disputes the **interpretation and amendment of the Covenant** assumed great practical importance. **Article 10,** guaranteeing the Members of the League "against external aggression," has often been assailed as being either too rigid or too vague. Largely as the result of persistent Canadian efforts to have the article either deleted or interpreted, the First Committee of the Fourth Assembly, on September 24, 1923, proposed a resolution interpreting article 10 in such fashion that the Council in recommending military measures must "take account, more particularly, of the geographical situation and of the special conditions

[1] Several other international disputes of minor importance came before the Council. The compensation to expropriated German settlers in Poland was determined in June 1924 (*Official Journal,* July 1924, p. 926). The interpretation of the Polish Minorities Treaty, on which the World Court had given an advisory opinion in Sept. 1923, and other issues between Poland and Germany, were settled with the Council's aid, the settlement being embodied in a convention signed Aug. 30, 1924. The Jaworzina boundary dispute between Poland and Czechoslovakia was also concluded in 1924, under the Council's auspices. A Serbo-Albanian frontier dispute was referred to the Council in June 1924. The question of the Greeks of Constantinople was referred to the Permanent Court for an advisory opinion.

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of each State," and that "the constitutional authorities" of each Member shall determine "in what degree" the Member is bound to employ its military forces in maintaining article 10. This, obviously, would go far toward meeting American objections. In the Assembly discussion representatives of several smaller states expressed concern at the apparent weakening of the Covenant. Persia alone voted against the resolution and twenty-two Members abstained or were absent, while twenty-nine voted aye. Failing a unanimous vote, the resolution was defeated.[1]

Amendments to articles 12, 13 and 15, providing for judicial settlement (by the Permanent Court) as an alternative to arbitration in justiciable disputes, were adopted by the Assembly in 1921 and came into force on September 26, 1924, when the necessary number of ratifications had been secured.[2]

An **amendment to article 16** (on sanctions), making a distinction between nationals and residents of Members, in the enforcement of an economic boycott against a Covenant-breaking Member, was approved by the Fifth Assembly in 1924 and referred to the Members.

Much more far-reaching than these minor amendments were several comprehensive projects for agreements supplementary to the Covenant. **A Draft Treaty of Mutual Assistance** combining suggestions made by Lord Robert Cecil and Col. Réquin, was worked out in committees[3] of the League, approved by the Fourth Assembly in 1923, referred to the Members of the League, approved in principle by eighteen, but objected to by others. For this project the Fifth Assembly substituted a **Protocol** for the Pacific Settlement of International Disputes,[4] which was referred by the Assembly to the Member States, signed immediately by Albania, Bulgaria, Czechoslovakia, Esthonia, France, Greece, Latvia, Poland, Portugal, Yugoslavia, and later by

[1] *Official Journal,* Special Supplement no. 13, p. 75 *et seq.*

[2] The state of other amendments adopted by the Assembly but not yet ratified by a sufficient number of Members is periodically recorded in the *Official Journal.*

[3] Chiefly in the Temporary Mixed Commission. The text of the Draft Treaty, with analysis, is contained in the report of the Third Committee of the Fourth Assembly, *Official Journal,* special supplement no. 13 (1923), p. 397; the minutes of the committee are in special supplement no. 16. The Draft Treaty is also easily available in *World Peace Foundation* Pamphlets, vol, VII, no. 8. The subject is debated, from several angles, in *The Draft Treaty of Mutual Assistance* (British Institute of International Affairs, 1924).

[4] Text is reprinted in *World Peace Foundation Pamphlets,* vol. VII, no. 8; also in Pamphlet no. 30 of the Foreign Policy Association. *Monthly Summary,* Oct. 1924, Supplement. *Cf.* P. J. Baker, *The Geneva Protocol,* and D. H. Miller, *The Geneva Protocol.*

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Belgium, Brazil, Chile and Paraguay, and ratified by Czechoslovakia.[1] The British Government, however, announced that it would have to give the terms of the Protocol serious and prolonged study; and although it was denied that this course meant rejection, popular opinion so interpreted it, especially after plans for holding a conference of British Dominions representatives to discuss the Protocol were abandoned. That the Protocol could not be adopted without change seemed practically certain. But the earnestness with which representatives of many nations have pursued the hope of finding some practicable means to couple disarmament with security seems to warrant a belief that the quest of stable peace will be continued. As future discussions will perhaps be based on the ever-recurrent practical problems involved, rather than on any single existing document, it may be worth while to compare the treatment of such problems by the Protocol, by the Draft Treaty, and also by a draft (hereafter referred to as the **Shotwell plan**) prepared in 1924 by a group of distinguished Americans, submitted to the League for discussion, and utilized in part as a basis for some of the provisions of the Protocol.[2]

It is easy to "outlaw" aggressive war, by stigmatizing it as "an international crime;"[3] all three projects do this. But it is difficult to define **aggression** and detect the aggressor. The Covenant, unfortunately, left "aggression" and "resort to war" undefined, but implied that a nation resorting to war against a Member of the League without utilizing the covenanted scheme of pacific settlement, was to be punished for aggression. The Cecil-Réquin Draft Treaty entrusted to the Council of the League the unenviable task of deciding within four days, in case of hostilities, which nation is the object of aggression, under the negative rule that a war is not aggressive if waged to enforce a unanimous decision of the Council, a verdict of the World Court, or an arbitral award, provided there is no intention of violating political independence or territorial integrity (*cf.* article 10 of Covenant). The American group apparently placed greater confidence in the World Court than in the Council, in judicial

[1] Signed subsequently also by Spain, Uruguay and Finland.

[2] The group included Dr. James T. Shotwell, Gen. Tasker H. Bliss, Dr. Isaiah Bowman, Dr. Joseph P. Chamberlain, Prof. John Bates Clark, Dr. Stephen P. Duggan, Gen. James G. Harbord, Mr. Frederick P. Keppel, Mr. David Hunter Miller and Dr. Henry S. Pritchett. The text is in *World Peace Foundation Pamphlets,* vol. VII, no. 8.

[3] See Lippman, "The Outlawry of War," *Atlantic Monthly,* August, 1923; John Dewey, "What Outlawry of War is Not", *New Republic,* October 3, 1923, and Levinson and Reeves, "Can War be Outlawed?" *The Forum,* January, 1924.

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rather than political determination of guilt. The Shotwell Plan, accordingly, provided that any signatory nation may ask the World Court to decide whether an act of aggression has been committed; and any nation in such a case refusing to accept the Court's jurisdiction is deemed an aggressor. Moreover, presumably to provide for such cases as the Corfu incident (*cf.* p. 3), the Shotwell Plan defined "measures of force by land, by sea, or in the air" as acts of aggression, unless taken in war or "for the purposes of defense or for the protection of human life." This qualifying clause is elastic, but the plan proposes further codification of the principles of international law relating to acts of aggression. The Protocol, on the other hand, uses the words "war" and "hostilities" without definition, and gives the Council rather than the Court the power to decide which belligerent is the aggressor. To be more precise, there is to be an automatic presumption of guilt against a belligerent nation which has refused to submit its grievance to pacific settlement (as provided in Covenant and Protocol), or to abide by a unanimous report of the Council, or judicial sentence, or arbitral award, or to respect provisional measures (against mobilization) enjoined by the Council pending pacific settlement. Such an automatic presumption of guilt, it was felt, would expedite the application of sanctions in ordinary cases. But by unanimous decision the Council may overrule the presumption of guilt. And in case of doubt, where the Council is divided, it must propose an armistice, refusal or violation of which constitutes aggression.

During the Assembly's debates on the Protocol, in September 1924, Mr. Adatci of Japan caused a sensation by insisting that the draft must be amended, as regards the treatment of **domestic questions,** or Japan would withhold her signature. The Japanese Government, it seemed, was unwilling to admit that a unanimous decision of the Council, a judicial sentence by the World Court, or an arbitral award by a Comittee of Arbitrators, recognizing that a dispute arises out of a matter which is solely within the domestic jurisdiction of one of the contestants, should end the matter, and that a state refusing to accept this decision should be presumed to be the aggressor. So insistent was Mr. Adatci, that the Protocol was amended. In its final form it provided that if a question is held to be within domestic jurisdiction, by the Court or by the Council, "this decision shall not prevent consideration of the situation by the Council or by the Assembly under Article 11 of the Covenant" (Protocol, article 5); moreover, in such a case, a state "shall only be presumed to be an aggressor if it has not previously submitted the question to the Council or the Assembly, in accordance with Article 11 of the Covenant" (Protocol, article 10). In this instance, Sir Cecil Hurst observed, the Council would still be prevented by article 15 of the

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Covenant from making any "recommendation" that would have the force of a command, regarding a domestic issue; but apparently the Council or Assembly could endeavor to promote conciliation. If conciliation proved impossible, and the aggrieved state resorted to war, there would be no presumption of guilt under article 10 of the Protocol; yet by Mr. Politis' interpretation, though the automatic presumption falls to the ground, "the aggression itself remains," and it will be for the Council to brand the aggressor. So interpreted, the Japanese amendments would have little force. This interpretation, however, is not indisputable. In the British Dominions and the United States there was a strong feeling against permitting the League Council to discuss immigration. And it requires no exceptional insight into international relations to perceive that this whole problem of domestic jurisdiction in matters such as immigation, raw materials, tariffs, etc., which have international effects, is one of the most vital problems confronting the League.

Another perplexing problem is that of security, in other words, the provision of adequate **sanctions against aggression.** The Covenant, in article 16, provided a compulsory economic boycott, and required the Council to "recommend" what military, naval or air forces the several Governments of the Members should provide. The Cecil-Réquin Draft Treaty, taking account of Canadian and other criticisms of the Covenant, authorized the Council to apply the economic sanctions, or to specify which states are to apply military force, and how much, the higher command being appointed by the Council; but apparently no state would be called on for military aid without its own consent (it would have a representative on the Council, who by his negative vote could prevent the Council from requiring aid of his country), and in principle no state would be asked to cooperate in military, naval or air operations in another continent. The cost would be borne by the punished aggressor. The Shotwell Plan introduced a different and valuable suggestion: the aggressor and its nationals shall cease to be entitled to legal and treaty protection for commercial, trade, financial and property interests. The application of the economic boycott and of military sanctions, on the other hand, was left entirely to the judgment of each signatory power, so explicitly as to cut the ground from under the characteristic American objections to "entanglement." The Protocol's provisions on this point were less easily interpreted. Article 16 of the Covenant was reaffirmed and interpreted as "obliging" each signatory "to cooperate loyally and effectively" against an aggressor, "in the degree which its geographical position and its particular situation as regards armaments allow." Plans for the application of economic and financial sanctions, and for economic and financial support of an attacked state, were to be drawn up in advance by the Council with the aid

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of the League's technical organizations. Nevertheless, as interpreted by Professor Manley Hudson, the Protocol does not oblige any state to become a belligerent (this is a departure from article 16 of the Covenant), or to use its army or navy in any particular way. Instead of authorizing the Council to recommend or require military quotas, the Protocol proposes as alternatives that signatory states may make agreements (practically defensive alliances) among themselves, stipulating the assistance to be provided in case of aggression; or any state may in advance give the Council an undertaking as to what forces it would employ. The agreements or alliances, it should be observed, must be published and may be acceded to by any Member of the League so desiring, so that Germany for example could convert an Anglo-French defensive alliance into a triple alliance. The conception of such alliances or agreements is borrowed in the main from the Cecil-Réquin Draft Treaty, in which it was a most characteristic feature; it was reincorporated in the Shotwell Plan; but neither of these earlier projects allowed a Member of the League to thrust itself into an alliance without the consent of the allies.

To the **mechanism of peaceful settlement,** which is all-important if it is to be substituted for war, the Protocol made significant contributions. Article 3 required all signatories of the Protocol to accept the jurisdiction of the Permanent Court of International Justice as compulsory in cases covered by paragraph 2 of article 36 of the Court Statute, that is to say, in justiciable cases. Twenty states had accepted this compulsory jurisdiction by signing the "optional clause" attached to the Court Protocol (*cf.* p. 20). Non-justiciable disputes which the disputants are unwilling to submit to the Court or to arbitration, must be referred to the Council, as the Covenant provided, but—and here is the novelty—if the Council cannot reach a unanimous finding, it shall attempt to persuade the disputants to refer their quarrel to arbitration or to judicial settlement, and if one of the parties so requests, a Committee of Arbitrators is to be constituted, to deal with the dispute. If neither party desires this course, the Council again tries to reach a report unanimous save for the parties to the dispute. This failing, the Council proceeds, without the consent of the parties, to establish a Committee of Arbitrators, who are to decide the controversy. Complicated as the description of this procedure may seem, the scheme is relatively simple and unambiguous, and fills the gap left by article 15 of the Covenant, which did not specify what should happen in case the Council failed to reach a unanimous decision on a dispute.

Whether sanctions would be applied against a State outside the League, such as Russia, Germany, or the United States, is a question of some interest to Americans. The Protocol of 1924 provides that in case of a dispute between a signatory and a non-signatory, the

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latter shall be invited to accept for this specific instance the pacific machinery and obligations stipulated in the Protocol, and if the non-signatory, refusing this offer, resorts to war against a signatory, the sanctions are to be "applicable." This reminds one of its prototype, article 17 of the Covenant. It would not impose on the United States all the obligations assumed by members, obviously, but it would subject the United States, in case of aggressive war, to the same penalties meted out to signatories in similar case. The Shotwell Plan seems to apply sanctions only to signatories, and permits any state, Member of the League or not, to adhere to the treaty. The Cecil-Réquin Draft Treaty could also be signed by non-Members (*cf.* restrictions in article 16), and conditional or partial adherence was permitted.

The Cecil and Shotwell plans were designed to be regional in application. That is to say, the arrangement was to come into force in Europe when ratified by three European Great Powers (France, Great Britain and Italy specified by Shotwell Plan) and two others; in Asia when ratified by Japan and one other Asiatic state; in North America when ratified by the United States; in Central America and the West Indies when ratified by one state in the former and two in the latter; in South America when ratified by four states (Shotwell Plan stipulates that one of these must be Argentina, Brazil or Chile); in Africa and Oceania when ratified by two States in Africa and Oceania. This significant application of the regional principle was disregarded in the Protocol, which was to be effective if ratified by a majority of the permanent Members of the Council and ten other Members of the League, and when the plan for reduction of armaments by an international conference (below) had been adopted.

In these projects disarmament was definitely linked with security. A characteristic British contention was that there can be no real security without disarmament; to which French spokesmen replied, no disarmament without security. All three of the projects under discussion coupled the two questions. The Cecil Draft Treaty contemplated a general plan of reduction of armaments, to be proposed by the Council of the League, subject to the approval of the Members individually, as provided in Article 8 of the Covenant. The Shotwell Plan contained an undertaking to reduce armaments, and contributed a plan for a permanent advisory conference on disarmament, to meet at least triennially, to prepare plans for disarmament and for the establishment of demilitarized zones; there were also interesting and detailed provisions for a commission to make official examinations of the armaments, presumably as a guaranty of good faith, and for measures to be taken in case any power considers the military preparations of another state to be menacing. The Protocol, instead of offering specific stipulations, provided for an International Conference

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for the Reduction of Armaments, to be convened at Geneva on June 15, 1925 by the League Council, all states being invited, whether Members of the League or not. A general program for the reduction and limitation of armaments was to be drawn up by the Council with the help of the League's technical organizations, submitted to the Governments of all states before March 15, 1925, and considered by the Conference. But the Conference, it was provided, might be cancelled or postponed if the Protocol had not been ratified before May 1, 1925, by a majority of the permanent members of the Council and ten other Members of the League. And at this writing it seems certain that the required ratifications will not be obtained before May 1.

To prepare plans for the world conference on disarmament for which the Protocol provided, the League Council established a Coordination Commission, to harmonize the work of various technical commissions. These commissions, notably the Temporary Mixed Commission (comprising political and economic advisers as well as military experts) and the Permanent Advisory Commission, aided by the Secretariat, had performed useful service in making technical data on armaments available,[1] and had studied many special aspects of the armaments problem. For example, in February 1924 the Temporary Mixed Commission met with delegates from seventeen states, at Rome, to discuss means by which the limitation of naval armaments adopted by the Washington Conference in 1922 might be extended to other naval powers; but no progress was made beyond a preliminary exchange of views and of data. As Secretary Hughes, by a note of Sept. 12, 1923, raised objections to the Convention of St. Germain-en-Laye for the control of the arms traffic, and refused ratification, the League in Dec. 1923 invited the United States Government to cooperate with the Temporary Mixed Commission in drafting a new convention. Plans were made to deal with this subject in a conference to be held May 4, 1925, in which the United States would participate. It was also proposed, by the Fifth Assembly, in 1924, that the United States be invited to collaborate with the League in drafting a convention for the control of the private manufacture of arms and munitions.[2]

Though neither the Cecil Draft Treaty, nor the Shotwell Plan, nor the Geneva Protocol of 1924 has yet been definitively adopted, the discussion of disarmament and security continues, and the above comparison of the three projects ought to afford fairly convincing

[1] The *Armaments Year Book* published by the League in 1924 is particularly valuable.

[2] The Council prepared plans for the control of German, Austrian, Hungarian and Bulgarian armaments.

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evidence that intelligent future discussion will utilize the valuable contributions which these projects have offered. Whether the French desire for security as a condition of disarmament can be reconciled with the reluctance of the United States, the British Dominions, and other powers to accept rigid obligations in the matter of enforcing economic or military penalties against aggression; whether the problem of security could better be solved by itself instead of being made contingent upon disarmament, as in the Cecil Draft and the Protocol; whether aggression should be so defined as to be patent, or should be politically determined by the Council, or judicially determined by the World Court; whether an agreement for disarmament and the outlawry of aggressive war must necessarily be bound up, as in the Protocol, with a necessarily elaborate mechanism of arbitration and inquiry, or can be considered, as in the Shotwell Plan, pretty much as a separate problem; whether national sovereignty over domestic questions, and national independence in the matter of sanctions, must be somewhat restricted by voluntary obligations in order to make the banning of war effective and just—these are some of the questions that clearly emerge from the discussion to date, questions on which opinion is sharply divided.

The overshadowing problem of security and disarmament should not be allowed wholly to obscure the multifarious **other activities of the League of Nations,** albeit these activities have been too diverse and too technical to permit of brief summary. Only a few can be mentioned. To promote the development of **international law,** the Fifth Assembly by resolution of September 22, 1924 asked the Council to convene a Committee of Experts to prepare a list of subjects of international law on which agreement seems most desirable and realisable, to submit this list to the Governments and examine the replies, and to suggest a procedure, with a view to the holding of international conferences on these subjects. The Council in December appointed the Committee (including Mr. George Wickersham, former Attorney General of the United States) and it was expected that the work would begin in 1925. Another important subject broached by the Fifth Assembly was the problem of import and export prohibitions and restrictions on the movement of **raw materials**; the study of this problem was proposed with a view to preparing an international agreement.

The **economic and financial** work of the League of Nations was of considerable significance. The scheme adopted in 1922 for the financial rehabilitation of **Austria** met with various political and economic obstacles, particularly as regards the discharge of governmental employees and the large number of unemployed, yet on the whole it succeeded; budget deficits were reduced, inflation was checked and a new currency established, bank deposits were greatly increased, and Austrian industry,

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though slow to recover, was at least saved from extinction.[1] A similar scheme, drafted by the League's Financial Committee late in 1923, was applied to **Hungary** in 1924, with the consent of the Reparation Commission. The scheme involved the stabilization of the Hungarian currency, the establishment of a bank of issue, the balance of the budget by June 30, 1926, a reconstruction loan of 250,000,000 gold crowns (about $50,000,000) to cover deficits until 1926, and control by a Commissioner-General appointed by the League. Mr. Jeremiah Smith, Jr., of Boston, was appointed Commissioner General.[2]

Other financial and economic questions dealt with by the League can only be catalogued. The problem of **double taxation** was studied by a committee of four eminent economists,[3] whose report to the Financial Committee of the League was referred to a committee of government officials, which met in Geneva in June and October 1923. A protocol on the **arbitration of commercial disputes** was signed at Geneva on September 24, 1923. The second **General Conference on Freedom of Communications and Transit** met at Geneva, November 15 to December 8, 1923, with forty-one states participating and the United States represented by an official observer, and adopted conventions on the international régime of railways, ports, transmission of electric power, and development of hydraulic power. Preliminary conferences of experts in July and November 1923 were held to prepare plans for an international conference on **radiotelegraphic problems.** An International Conference on **Customs Formalities,** convoked in accordance with resolutions passed by the Council of the League September 16, 1922 and January 30, 1923, convened at the Palais des Nations, Geneva, on October 15, 1923, with representatives present from thirty-five nations (including Germany, Egypt, Morocco, Tunis, and an observer from the United States). The convention and protocol for the simplification and publication of customs regulations drafted by this conference[4] was signed by 31 and ratified by six states before the end of September 1924.

The administration of the **Saar Basin** came up for adverse criticism

[1] The League of Nations *Monthly Bulletin* for Dec. 1924 states that 71,540 officials and employees had been discharged by the Austrian Government since Oct. 1, 1922. The Budget estimates for 1925 showed that current expenses of 494.8 million gold crowns would be more than balanced by current revenues of 508.3 millions; but including the investment account there would be a total deficit of 40.7 millions. A new unit of currency, the shilling (equivalent to 10,000 paper crowns) was introduced as of Jan. 1, 1925. *Cf.* p. 140.

[2] *Cf. Monthly Summary of the League of Nations,* supplement, May 1924, for documents.

[3] Professors E. R. A. Seligman, Einaudi, Bruins, and Sir Josiah Stamp.

[4] *Official Journal,* Dec. 1923, p. 1571 *et seq.*

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at the twenty-fifth session of the Council, in July 1923, when Lord Robert Cecil made complaints against the continued French military occupation, and against drastic measures adopted by the French chairman (M. Rault) of the Governing Commission. Although Cecil said the administration on the whole had been praiseworthy, between the lines one can read a feeling that France was acting in too high-handed a manner in the Saar, where the international Governing Commission appointed by the League Council was supposed to be safeguarding the rights of the inhabitants. M. Rault's justification of his measures against peaceful picketing and against anti-French newspapers, on the ground that with 72,000 strikers and 20,000 unemployed, in the spring of 1923, the violence of anti-French press propaganda had been very dangerous, was in reality a rather damaging admission. As the objectionable measures had been discontinued, the Council took no action, except to remind the Governing Board that a local gendarmerie should be substituted for French troops.[1]

An interesting though little known phase of the League's activity was the work of the **Permanent Mandates Commission**, which receives the annual reports on the administration of the mandates. These annual reports are voluminous and circumstantial, and are examined and commented on by the Commission with painstaking care. The Commission apparently takes very seriously the duty of insuring that the mandated territories shall be administered in the interest of the natives. The Marquis Alberto Theodoli, Italian chairman of the Commission, believes Article 22 of the Covenant "has profoundly and substantially altered colonial law and colonial administration," as far as the mandated territories are concerned, for in them native interests are put first. Accordingly the Commission requires from mandatory powers full reports on such matters as slavery,[2] education, labor, liberty of conscience, alcohol, land tenure; and it shows no marked hesitation in offering suggestions and even polite rebukes where there has been negligence in these matters, even though a Great Power be the offender. The most conspicuous case in point was the criticism of the policy of the Union of South Africa as regards the **Bondelzwart rebellion**, in South Africa. A majority of the Commission, in their printed report (1923) found the primary cause of the rising in the antipathy between the natives and the whites, who "regarded the natives as existing chiefly for the purpose

[1] The spirited discussion may be read in *Official Journal*, Aug. 1923. *Cf.* W. K. Bisschop, *The Saar Controversy* (1924, London, Sweet and Maxwell) and S. Osborne, *The Saar Question* (1923, London, Allen & Unwin).

[2] The League has conducted an inquiry into the question of slavery in other countries, also, and is making a determined effort to promote the abolition of slavery. See League document A. 18. 1923, VI.

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of labor for the whites;" the imposition of a dog tax which indirectly compelled the natives to work for whites, and the imposition of forced labor through a vagrancy law, were condemned by the Commission. The Fourth Assembly of the League, in September 1923, unanimously expressed its regret that satisfactory conditions had not yet been reported in the Bondelzwart district. It is significant that in its report issued in 1924, South Africa carefully stated what measures it was taking to improve the condition of the Bondels. When the Mandates Commission met again in the fall of 1924, it received reports not only on B and C mandates, but also on the A mandates for Syria and Palestine, which had entered into force September 29, 1923. This time the **Palestine** administration was the target of criticism by the Commission; the Jewish immigrants coming from eastern Europe, encouraged by Sir Herbert Samuel, were not prepared for the manual and agricultural work needed in Palestine, and the attempt to encourage Jewish immigration was inconsistent with the obligation to safeguard the interests of the Arab population.

Most of the numerous **humanitarian activities** of the League in 1923-1924 are too complicated for clear explanation here. The work hitherto conducted by the International Association for the Protection of Children was transferred to the League. An Italian plan for an international union against calamities, to take the place of private relief efforts, was referred to a preparatory committee. A remarkable piece of work was done under the League's auspices in the settlement of Greek refugees[1] (*cf.* p. 176). The Health Committee of the League sent technical advisers to Albania and Persia, prepared an elaborate report on malaria, on the basis of extensive international investigations, decided to undertake a study of the standardization of tuberculin, arranged for a visit of South American health officials to United States, Canada and Europe, and came to an agreement with the Office international d'Hygiène publique. The latter, established under the Universal Sanitary Convention of 1907, had refused in 1921 to accept any organic connection with the League, because the United States was a member of the Office international but not of the League. A plan, however, was drafted by a joint committee, May 27-June 2, 1923, approved by the League Council on July 7, and adopted by the Fourth Assembly, in September, providing for the constitution of the permanent Health Organization of the League; the Organization was to comprise (1) the Committee of the Office international, acting as a General Advisory Health Council, (2) a Standing Health Committee, appointed by the Office international and the League Council, and (3) the Health Section of the League Secretariat.

The League's Committee on **Intellectual Cooperation**, which had

[1] *Monthly Summary of the L. N.*, Nov. 1924, supplement.

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been thought moribund, exhibited surprising vigor, and obtained the approval of the League Assembly in 1923 for an ambitious program, including an international Index Bibliographicus, library cooperation, technical bibliographical conferences, and revision of the international conventions of 1886 on the exchange of publications. An International University Information Office was set up at Geneva in January 1924, attached to the League Secretariat, with the aim of promoting international cooperation and publishing a periodical bulletin. The offer of the French Government to found an International Institute to be administered by the Committee on Intellectual Cooperation was accepted by the Fifth Assembly, in 1924. An offer by the Italian government to found an Institute for the Unification of Private Law was also accepted.

Much attention was attracted by the **Opium Conferences** convened by the League. The Hague convention of 1912 on the control of opium and other drugs, it may be explained, had not been put into force before the war; its ratification, however, had been secured under article 295 of the Treaty of Versailles, and the League had taken charge of supervising execution of the agreement, under article 23 of the Covenant. In 1923 the League Assembly and Council decided to convene two international opium conferences. The First Conference, which met at Geneva, November 3, 1924, dealt with the opium traffic in the Far East, particularly with the system of import certificates. The Second Conference, which met on November 17, had to consider the more general problem of restricting production and controlling the traffic in morphine, cocaine, and heroin, as well as opium. Drastic proposals for the restriction of opium and drug production and for the control of the drug traffic,[1] presented by the American delegation (headed by the Hon. Stephen G. Porter), were so vehemently opposed by the delegates of nations with Far Eastern colonies, particularly the British, Dutch and French, that the Second Conference seemed almost deadlocked when it adjourned on December 16, to reassemble in January, 1925.[2]

For purposes of reference it may be well to note that the **Fourth Assembly** of the League of Nations met at Geneva, September 3 to 29, 1923; the **Fifth Assembly,** from September 1 to October 2, 1924. The **Council's** 25th meeting was at Geneva, July 2-7, 1923; 26th, Geneva, August 31-Sept. 29; 27th, Paris, December 10-20; 28th, Geneva, March 10-15, 1924; 29th, Geneva, June 11-17; 30th, Geneva, August 29-October

[1] Text in *Current History,* Jan. 1925, p. 590.

[2] *Cf.* Q. Wright, "The Opium Question", *Amer. Jour. Int. Law,* vol. XVIII (1924), pp. 281-295. Also, E. N. LaMotte, *The Ethics of Opium,* reviewed by Prof. Joseph P. Chamberlain in POLITICAL SCIENCE QUARTERLY, March 1925, pp. 134-138.

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3; 31st, Brussels, October 27-31; 32nd, Rome, December 8-13, 1924. Full reports of the Council meetings are given in the *Official Journal*, and of the Assembly meetings, in special supplements of the same publication. The six **non-permanent members of the Council** elected by the Fourth Assembly and reelected by the Fifth were Uruguay, Brazil, Belgium, Sweden, Czechoslovakia (replacing China), and Spain.

The **International Labor Organization** held its regular annual International Labor Conferences in Geneva, in October 1923 and June-July 1924. The work of these conferences, on factory inspection, night work, statistical methods, the eight-hour day, and other questions of international labor legislation, is too complex and technical to permit summary here.[1]

PERMANENT COURT OF INTERNATIONAL JUSTICE.—By the end of 1924, the Permanent Court,[2] commonly called the World Court in the United States, had been accepted by 48 nations, and the "optional clause" accepting compulsory jurisdiction of the Court in justiciable disputes, had been signed by 23 nations.[3] France, the sole Great Power which has yet signed this clause, did so on October 2, 1924, with the proviso that the obligation might be renounced should the Geneva Protocol (*cf.* p. 8) lapse. The Protocol, if adopted (which appears improbable), will extend the compulsory jurisdiction of the Court over justiciable disputes among all signatories. The Court will interpret the Protocol; it will be asked for advisory opinions on whether disputes alleged to be under one nation's domestic jurisdiction are so or not. The Shotwell Plan (*cf.* pp. 9-15) would make the Court an even more important factor in the preservation of peace. These instances are typical of a marked tendency toward the extension of the Court's jurisdiction and functions. Another notable instance is offered by the London agreements of 1924

[1] Consult the monthly *International Labour Review* and *Official Bulletin*, published by the International Labor Office, for details. Also E. B. Behrens, *The International Labour Office* (1924).

[2] An admirable review and discussion of the Court's history will be found in a new volume by Professor Manley O. Hudson, *The Permanent Court of International Justice and the Question of American Participation*, (Harvard University Press, 1925). Judge John Bassett Moore, a member of the Court, has published a valuable volume of essays, *International Law and Some Current Illusions* (Macmillan, 1924), dealing with the Court and kindred topics. The official publications of the Court are procurable from the League of Nations Secretariat or the World Peace Foundation, 40 Mt. Vernon St., Boston.

[3] Namely, Austria, Brazil, Bulgaria, China, Costa Rica, Denmark, Dominican Republic, Esthonia, Finland, France, Haiti, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, Norway, Panama, Portugal, Salvador, Sweden, Switzerland, Uruguay. Fifteen of these had ratified.

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putting the Dawes Plan (see p. 29) into effect: disputes regarding the interpretation of the agreements were to be referred to the Court, and provision was made for the appointment of arbitrators by the President of the Court in certain cases of deadlock. Space forbids mention of numerous other provisions, in recently negotiated international treaties, for acceptance of the Court's jurisdiction in special matters.[1]

Three judgments and five advisory opinions[2] were handed down by the Court in two ordinary sessions (June 15 to September 15, 1923 and June 15 to September 12, 1924) and one extraordinary session (November 13 to December 6, 1923). The first judgment, in the first case of compulsory jurisdiction, was that delivered on August 17, requiring Germany to pay 140,749fr. 35c. for wrongfully denying passage through the Kiel Canal to the British steamship *Wimbledon*, which had been chartered by a French armament firm and was carrying munitions to Poland. The second judgment, in the Palestine concessions case, was given on August 30, 1924, five judges dissenting; notwithstanding Great Britain's contention that the case should be dismissed, the Court decided that it had jurisdiction over the Anglo-Greek dispute regarding concessions which had been obtained by a Greek national, M. Mavrommatis, in Jerusalem, before the war, and had not been recognized by the British administration in Palestine. The third judgment, given September 12, 1924, quashed Bulgaria's contention that paragraph 4 of the Annex to Section IV, Part IX of the Treaty of Neuilly, relating to reparation, did not apply to acts committed outside Bulgarian territory or causing personal injury as distinct from injury to property.

The bulk of the Court's work, thus far, has consisted of giving advisory opinions on questions referred to it by the Council of the League. The fifth of these opinions, given on July 23, 1923, was in reality a refusal to give an opinion on the dispute between Russia and Finland, as to the validity of the Russian declaration of October 14, 1920, conferring certain rights on the Carelian inhabitants of Archangel and Olonetz. In the German colonists case, the Court gave the opinion, September 10, 1923, that Poland was not acting in conformity with treaty obligations in refusing to recognize leases of state lands conceded by the German Government to German colonists before November 11, 1918, in former German territory now owned by Poland. Subsequently, in 1924, Poland agreed to compensate the expropriated colonists. Poland was also found at fault by the Court,

[1] *Cf.* Series D, no. 4, of the Court's publications, and Hudson, *op. cit.*, pp. 119-123.

[2] The Court had previously, in earlier sessions, given four advisory opinions but no judgments.

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on September 15, 1923, in so interpreting the Minorities Treaty as to refuse Polish nationality to certain former German nationals in territory acquired by Poland. In the Jaworzina Boundary Case, the Court on December 6, 1923 gave the opinion that the decision of the Conference of Ambassadors, of July 28, 1920, accepted at that time by Poland and Czechoslovakia, was definitive, subject to certain stipulated modifications in the Spisz region. By resolutions of March 12 and September 5, 1924, the League Council endeavored to settle this controversy in accordance with the Court's opinion. In the ninth advisory opinion, the Court held, September 4, 1924, that the allotment of the Monastery of Saint-Naoum, on the Serbo-Albanian border, to Albania by the Conference of Ambassadors on December 6, 1922, having been acquiesced in at the time by Albania and Yugoslavia, was definitive; Yugoslavia, it may be explained, had attempted to reopen the question.

Sr. Epitacio da Silva Pessôa was elected by the Council and Assembly of the League, on September 10, 1923, to fill the vacancy left by the death of Judge Ruy Barbosa, March 1, 1923.

EUROPEAN ALLIANCES AND ENTENTES. — A treaty of **alliance between France and Czechoslovakia** was concluded on January 25, 1924. The allies, by this pact, "undertake to concert their action in all matters of foreign policy which may threaten their security or which may tend to subvert the situation created by the Treaties of Peace" (article 1); they "shall agree together as to the measures to be adopted to safeguard their common interests in case the latter are threatened" (article 2); they will refer to the Permanent Court or to arbitration any disputes which may arise between them and which cannot be settled by diplomatic means.[1] The terms of the pact are patently directed toward diplomatic cooperation in defense of the peace settlement, specifically against Hungary (article 4) from which so generous a territorial portion had been taken by Czechoslovakia, and against "any attempt to restore the Hohenzollern dynasty in Germany" (article 5). The reasons for French fear of Germany are well known; Czechoslovakia, it may be explained, was endeavoring to live amicably with Germany, but in case of a Hohenzollern restoration might have to fear irredentism as regards the three million German-speaking inhabitants included within the Czechoslovak borders. Explicit military pledges were not included in the treaty, perhaps because it had to be carefully phrased for publication by the League of Nations, but in the press the document was generally interpreted as a firm military alliance[2] the more so because its negotiation

[1] Text in *Treaty Series* (of League of Nations), vol. XXIII, no. 588.

[2] The *Berliner Tageblatt* in March 1924 created a sensation by publishing what purported to be the text of a secret military pact between France and Czechoslovakia, but the authenticity of this document was authoritatively denied.

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was accompanied by a loan of approximately 100,000,000 francs, for the purchase of war material.[1]

Through Czechoslovakia, France strengthened her relations with the **Little Entente**, which had been formed in 1920-1921 by Czechoslovakia, Rumania and Yugoslavia, and which had been regarded as a minor constellation of French satellites. The solidarity and orientation of the Little Entente, however, were not quite clear. Yugoslavia on July 7, 1923 had renewed for three years her defensive treaty with Rumania (of July 7, 1921) against Hungary and Bulgaria; and a Yugoslav-Rumanian military convention was signed Oct. 9, 1924. Yugoslavia and Czechoslovakia made treaties with Italy (*infra*). The conferences of Little Entente statesmen meeting at Sinaia in Sept. 1923, at Belgrade in Jan. 1924 and at Prague in July, issued communiqués which were interpreted as perfunctory and unconvincing; possibly differences of opinion regarding the Bessarabian controversy were more serious than the premiers cared to admit. The annexation of **Bessarabia** by Rumania in 1918 had been approved tentatively by the Supreme Council in March 1920, and recognized by the Allies in their treaty[2] with Rumania, which was ratified by Rumania, by Great Britain, and, in March 1924, by France, but the Russian Soviet Government persistently refused to acquiesce in this action. Rumania's blunt rejection of the Russian demand for a plebiscite in Bessarabia, in March 1924, caused such tension that talk of war was heard, and it was believed Rumania could not count definitely on the support of Yugoslavia or Czechoslovakia in the event of hostilities; the crisis passed, however, and the disputed border province remained in Rumanian possession.[3]

Italy's rapprochements with Spain and with the Little Entente were interesting developments of Mussolini's policy. After attempting, with only moderate success, to ignore the League of Nations in the Corfu-Janina crisis (*supra*, p. 3), in August and Sept. 1923, and discovering that Italy stood in uncomfortable isolation, the dictator dexterously adopted a more politic attitude toward the League, and set himself to build up a system of ententes which would strengthen Italy's position. In Nov. 1923 the king and queen of Spain, with General Primo de Rivera, were entertained in Italy, and speeches were made indicating that Italy and Spain had come to a cordial understanding, without any formal documentary bond. The visit, by the way, was

[1] This loan was granted by the French Government in the form of credits, renewable annually. In addition, a loan of 1,500,000,000 Czech crowns was reported to have been placed with French banks in 1924.

[2] Treaty of Paris, Oct. 28, 1920, text in British Treaty Series, No 15, 1922, Cmd. 1747.

[3] *Cf.* "The Bessarabian Dispute", in *Foreign Affairs*, June 1924.

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returned by the Italian royal family in June 1924. Meanwhile Mussolini brought his somewhat stormy wooing of Yugoslavia to a successful conclusion, by signing, with the Yugoslav premier (N. Pachich) and foreign minister (M. Ninchich), an **Italo-Yugoslav treaty** regarding Fiume, at Rome, Jan. 27, 1924. The City of Fiume was at last assigned definitely to Italy (and formally annexed on March 16). But Yugoslavia received a lease of the Thaon di Revel basin in the port of Fiume, including the use of five warehouses and three quays, for the nominal annual rental of one gold lira. and furthermore the port of Barros and the delta were annexed by Yugoslavia. The Fiume treaty was accompanied by a convention of amity, not an alliance, but a diplomatic entente. Both powers agree to support each other in maintaining the treaties of Trianon, St. Germain, and Neuilly (article 1); if one is attacked the other will remain neutral, or if one is invaded the other will give diplomatic support (article 2); if common interests are menaced, the two powers will confer on joint measures of defense (article 3). The convention is binding for five years. An additional protocol declared expressly that the convention contains nothing contrary to the Yugoslav treaties with Rumania and Czechoslovakia. A similar treaty between Italy and a second member of the Little Entente, Czechoslovakia, was signed in Rome, May 28, 1924, by Mussolini and Benes. **Italy and Czechoslovakia** are to cooperate in maintaining the peace treaties, and in case of a dispute with a third power they are to discuss plans for concerted action. Mussolini seems to have established close cooperation with two members of the Little Entente, and the latter can no longer be said to move entirely in the French orbit.[2]

An alliance treaty and a frontiers convention were signed by **Esthonia and Latvia,** at Tallinn, Nov. 1, 1923.[3] In case of "unprovoked attack" on one party, the treaty called for "armed assistance" by the other (article 3); at all times there would be mutual "political and diplomatic assistance" (article 2), both powers undertaking "to follow a wholly pacific policy" (article 1); disputes between

[1] *The Nation,* March 19, 1924.

[2] Another interesting treaty was concluded by Mussolini with Switzerland, at Rome, Sept. 20, 1924; this, however, was a general arbitration treaty, rather than a diplomatic entente. Switzerland also made an agreement with France, Oct. 30, 1924, to refer to the Permanent Court of International Justice the dispute regarding free zones in Haute Savoie and Gex, *cf.* article 435 of the Treaty of Versailles, and *Foreign Affairs,* Dec. 1924, pp. 331-4. The treaty of March 29, 1923 providing for a customs union of Liechtenstein with Switzerland, is published in the League's *Treaty Series,* XXI, no. 545.

[3] Texts in *Treaty Series,* XXV, no. 623 and XXV, no. 623. *Cf.* article by J. M. Wuorinen, *Current History,* July 1924, p. 612.

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the allies would be referred to the Permanent Court or to arbitration (article 6); and the bond would last for ten years (article 8).

ANGLO-RUSSIAN TREATIES.—The recognition of Soviet Russia by Great Britain, Italy, France and other powers is recorded elsewhere in these pages (*cf.* pp. 117, 171), but in this place emphasis should be laid on the significant fact that the Soviet Government in 1924 effected its entry into formal diplomatic relations by securing pretty general recognition at the cost, usually, of economic concessions, without recanting Communism in principle. The Anglo-Russian negotiations, in particular, call for comment. Although Premier Macdonald formally recognized Russia in Feb. 1924, the vital questions of debt, private property claims, and a commercial treaty were left for settlement by the Anglo-Russian conference which sat in London from April to August. After protracted bargaining, the negotiators signed a general treaty and a commercial treaty on Aug. 8, 1924. The latter contained a "most-favored-nation" clause and other conventional features; its most interesting novelty was the recognition of the Soviet Government's trade monopoly and the grant of diplomatic immunity to Russian official trade delegations—in other words, recognition of Communism in commerce. In the general treaty, Russia agreed, without withdrawing in principle the decree of Jan. 1918 for repudiation of debts, to satisfy in such measure as her economic and financial situation might permit the claims of British holders of pre-Revolutionary bonds, and British private claims for property confiscated by the Soviet régime. These property claims were to be assessed by a commission and settled by a treaty. To secure this promise, vague as Premier Macdonald's opponents thought it, Great Britain had to agree that the claims treaty must go hand in hand with the guarantee of a Russian loan by the British Government. The Anglo-Russian treaties, however, excited lively opposition in Great Britain (*q. v.*), and after Macdonald fell from power the new foreign minister, Austen Chamberlain, denounced them, Nov. 21, 1924.[1]

AFRICAN QUESTIONS.—Besides the Egyptian Sudan affair, which is treated elsewhere (*cf.* p. 179), several minor African questions require cursory mention.[2] The **Tangier Zone,** consisting of about a hundred square miles including the town of Tangier, in northern Morocco, had been a subject of controversy ever since the Franco-Spanish treaty of Nov. 27, 1912, article 7, had provided that the city of Tangier should have a special régime to be determined

[1] On the Russo-Chinese treaty, see p. 27. On the Zinoviev letter see p. 121.

[2] Mention should be made, in addition to the agreements discussed in the text, of an Anglo-French protocol, Jan. 10, 1924, regarding the boundaries of Wadai and Darfur.

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later. No agreement having been reached before the Great War, Spanish imperialists during and after the war carried on a spirited campaign for the assignment of the city to Spain, but France, it goes almost without saying, would listen to no such thesis, and the British Government seemed intent on establishing a definitively international régime in which Great Britain would have a voice. At the instance of Great Britain, an Anglo-Franco-Spanish conference was convened Oct. 22, 1923, in which Mussolini vainly demanded participation, and to which the United States addressed a demand for the maintenance of the open door. The three conferring powers reached agreement on a treaty, Dec. 18, 1923, which was signed immediately by France and England and later, in Feb. 1924, by Spain, and ratified by these powers in May (it must also be assented to by other powers signatory to the Algeciras Act of 1906). The new treaty makes Tangier a quasi-international zone, under the sovereignty of the Moroccan sultan. The administration will be conducted under the supervision of an international committee of control, comprising the consular officers of eight signatories of the Algeciras Act. There will also be an International Legislative Assembly of 26 members, including four French, four Spanish, three English, two Italian, one Belgian, one Portuguese, one American, one Dutch, three Jewish, and six Moslem deputies, presided over by a nominee of the Sultan. A Belgian will captain the native gendarmerie. In short, there is to be an international administration of the type which has proved notoriously ineffective in the past.[1]

Another African question was the territorial satisfaction to be given to Italy, in **Jubaland** (East Africa), by Great Britain, under article 13 of the Pact of London, April 26, 1915, whereby Italy was promised "compensations" if France and Great Britain acquired German territory in Africa. Settlement had been delayed by disputes as to the extent of the promised cession, and by Lord Curzon's insistence on coupling the Dodecanese problem with Jubaland. Premier Macdonald, however, was willing to settle the Jubaland cession separately, and on July 15, 1924 signed the treaty[2] with Signor Toretta, accepting the line which Lord Milner and Signor Scialoja had proposed in 1919. Great Britain thereby ceded to Italy a considerable portion of Kenya, on the west bank of the Juba river, extending Italian Somaliland to approximately 41° East. Italy recognized the abrogation of her commercial treaty of May 23, 1885 with Zanzibar.

[1] On Spanish military operations in Morocco, see p. 172. For a detailed French study of the Tangier question consult Max Touron, *Notre Protectorat marocain* (Poitiers, 1923), pp. 148-219.

[2] Text published by the British Government as Cmd. 2194.

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FAR EASTERN RELATIONS.—The chaotic condition of **China** (*q. v.*) was the chief focal point of international relations in the Far East. The continued danger in which foreigners and their property were placed by the incessant Chinese civil wars, and the occasional kidnapping of foreigners by Chinese bandits, might easily have afforded a pretext for imperialist intervention on a large scale. Japan, however, refrained from active interference, and joined with Great Britain, France and the United States in occasional joint remonstrances, in landing marines, in sending gunboats to patrol danger zones. As usual concession-hunters fished in the troubled waters. A Belgian syndicate with Chinese affiliations secured, in July 1924, an important contract to extend the Lunghai railway from Chenchow to Sianfu, cutting across the upper Yangtse valley in a north-and-south direction. An American concern, the Federal Telegraph Company of Delaware, was reported to have obtained a contract to construct five radio stations along the Chinese coast, but the rival claims of the Japanese Mitsui Company and of British radio interests made the execution of the contract appear somewhat doubtful.

After protracted and not always amicable negotiations **Russia and China** concluded an interesting treaty,[1] May 31, 1924, whereby mutual diplomatic recognition was assured;[2] each agreed not to engage in propaganda directed against the political and social system of the other; Russia renounced its share in the Boxer Indemnity, the rights of extraterritoriality and consular jurisdiction, all special rights and privileges relating to concessions in China acquired by the Tsarist Government, and all treaty rights affecting Chinese sovereignty. In particular, Russia recognized Outer Mongolia as an integral part of the Chinese Republic and agreed to withdraw all Soviet troops from that region. But the feature of the treaty which attracted most attention was article 9, regarding the Chinese Eastern Railway. China and Russia, to the exclusion of any third party, were to settle the future of the railway, in accordance with certain principles, namely, that as the railway "is a purely commercial enterprise" China alone shall take over judicial, civil, military, police, municipal government, and tax functions formerly exercised by the railway, and all land not required by the railway; further, that China may redeem, with Chinese capital, the railway and its appurtenant properties, and the bonds and shares shall be transferred to China; that the Soviet Government will be responsible for the entire claims (acquired prior to March 9, 1917) of shareholders, bondholders and creditors of the railway. This arrangement was protested by the United States,

[1] Text in *Current History*, Sept. 1924, p. 960.

[2] Russia subsequently appointed an ambassador to China, raising the rank of her representative from minister to ambassador.

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Japan and France.[1] Notwithstanding protests, China ratified the treaty on June 17. Japan, like China, conducted long negotiations with Russia, but no agreement could be reached in 1924.[2]

Ratifications of the **Four-Power Treaty concerning the Pacific,** adopted at the Washington Conference of 1921, were exchanged at Washington on Aug. 17, 1923.

FOREIGN RELATIONS OF THE UNITED STATES. — The international relations of the United States are in large part covered elsewhere in this review of events.[3] The Five-Power Naval Treaty and the Four-Power Pacific Pact, the fruits of Secretary Hughes's work at the Washington Conference of 1921, were validated by the exchange of ratifications at Washington, Aug. 17, 1923.

A "liquor treaty" was negotiated with Great Britain, Jan. 23, 1924, and ratified by the Senate in March.[4] The United States is permitted to search British vessels outside the three-mile limit, within one hour's sailing distance from the coast, if such vessels are suspected of smuggling liquor into the United States. On the other hand, the United States concedes the right of British vessels to bring intoxicating liquors, under seal, into American ports, if such liquor is carried as sea stores or destined for a foreign port. The United States also consented to a specific confirmation, in article 1 of the treaty, of the three-mile limit to territorial waters.

The effect of the Washington Conference of 1921 and of American contributions for the relief of earthquake victims in 1923, was undone, in so far as removal of tension between the Japan and the United States was concerned, by the action of Congress in passing, on May 15, 1924, an immigration bill excluding aliens ineligible for citizenship while establishing quota regulations for European immigrants (*cf.*, p. 65). While the bill was under discussion, the Japanese ambassador at Washington, Mr. Hanihara, addressed a note to Secretary Hughes, contending that the Gentlemen's Agreement had been faithfully observed by Japan; that the excess of Japanese admitted over those departed from the (Continental) United States in the fifteen years 1908-1923 was only 8,681, making an average of 578 a year, including merchants, students, tourists, officials, etc. not excluded by

[1] For an interesting discussion see Frederick Deane, "The Chinese Eastern Railway", *Foreign Affairs*, Sept. 1924, pp. 147-152.

[2] A treaty was signed Jan. 20, 1925.

[3] *Cf.* under League of Nations, pp. 1, 14, 16, 19, Congress, pp. 64, 65, Reparation, the Dawes Plan and War Debts, p. 29; Near East, pp. 174-175; Latin America, p. 106.

[4] Text in *Current History*, April 1924, p. 100. Discussion in *Amer. Jour. Int. Law*, vol. XVIII, pp. 301-6. Similar treaties were made with several other states, *cf.* p. 64, *infra.*

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the Agreement; and that the enactment of the proposed exclusion provision, obviously aimed at the Japanese, would "seriously offend the just pride of a friendly nation" and entail "grave consequences" upon "the otherwise happy and mutually advantageous relations between our two countries." Though the general tone of the letter was friendly, the allusion to "grave consequences" was described by Senators Lodge and Reed as a "veiled threat." Mr. Hanihara's prompt explanation that he did not intend his words to be a veiled threat, and his subsequent replacement by Tsuneo Matsudaira, did not wholly eradicate the ill feeling which had been engendered in the discussion of the phrase. At this time, also, Cyrus E. Woods, American ambassador to Japan, resigned (May 18) ostensibly for family reasons; he was reported in the press as being distinctly critical toward the exclusion bill.[1] The bill was signed by President Coolidge on May 26, and the exclusion provision went into effect, July 1, 1924. Whereas the Gentlemen's Agreement had excluded only laborers, and permitted laborers resident in the United States to bring over their wives and children, the new law excluded such persons, and admitted only government officials, merchants and tourists on temporary visits, immigrants returning from a temporary visit abroad, ministers and professors and their wives and children under eighteen, and students over fifteen. But the chief difference was that the Agreement had been a bilateral affair, reposing on the good faith of Japan, whereas the new law was a unilateral measure, to be enforced by the United States, discriminating against Japanese. In other words, it offended Japanese national pride much more severely than an agreement or a treaty would have done. Both houses of the Japanese Diet passed resolutions protesting against the measure, and in the Japanese press some writers hailed it as "a deliberate insult."[2]

REPARATION, THE DAWES PLAN, AND WAR DEBTS.—As long as the problem of German reparation was viewed by European premiers as a diplomatic controversy, rather than as a question of economics, disputes multiplied. Premier Poincaré seemed determined to continue the Franco-Belgian occupation of the Ruhr, despite conciliatory overtures from the Vatican, despite the passive resistance of the Germans, despite British arguments and remonstances. Vainly Lord Curzon in his note of Aug. 11, 1923[3] suggested an expert inquiry, proposed to fix the maximum sum to be exacted from

[1] He was replaced by Mr. Edgar A. Bancroft.

[2] For a more extended discussion, together with texts of the pertinent documents, see Raymond Leslie Buell, "Japanese Immigration", *World Peace Foundation Pamphlets*, vol. VII, nos. 5-6, (1924); *cf. Amer. Jour. Int. Law*, Jan. 1925, pp. 23-47.

[3] Text in *Current History*, Sept. 1923, and Parl. Papers, Cmd. 1943.

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Germany, and offered to reduce British claims on Germany and the Allies to 14.2 billion gold marks (the sum needed to pay the British debt to the United States). Poincaré was adamant. France would remain in the Ruhr until she obtained from Germany payment or guarantees of 26 billion gold marks over and above what she must repay to England and America.[1]

The abandonment by Germany, toward the end of September, of passive resistance in the Ruhr (*cf.* p. 150), somewhat relieved the tension, and made it easier for Lord Curzon in October to revive the suggestion Secretary Hughes had made the previous December, for an expert commission with American participation to report on the amount claimed from Germany and on a plan for working out the payments. But Poincaré insisted that no committee of experts should take over functions entrusted by the peace treaty to the Reparation Commission, or revise the Commission's decision (May, 1921) that Germany must pay a total of 132 billion gold marks. Behind his legal arguments lay the political reason that in the Reparation Commission the French delegate could veto any proposed reduction of the total, whereas the decision of experts could not be so surely controlled. In denatured form, therefore, the Hughes-Curzon proposal was adopted by the Reparation Commission, Nov. 30, 1923. The experts were merely to advise the Commission, and they were to make no report on the total.

Two committees of experts were appointed. The first,, now generally known as the **Dawes Committee,**[2] met at Paris from Jan. 14 to April 9, 1924, and prepared an elaborate report on "the means of balancing the budget of Germany and the measures to be taken to stabilize its currency." In effect the report went much further than this declared purpose, because the budget could not be balanced without determining the amount of reparation payments. To be sure, the report proposes a two-year moratorium and other measures to balance the German budget; it also contains plans for a new German Bank of Issue and a foreign loan of 800 million gold marks to stabilize the currency. But its most important feature is an elaborate plan of reparation payments, coupled with a schedule of such payments. Germany's payments are to come from five different sources. (1) From the German Government's budget in 1924-5 and 1925-6 nothing will be required; in 1926-7, 110 million gold marks; in 1927-8, 500 millions;

[1] Text of note in *Current History,* Oct. 1923, and Cmd. 1943.

[2] Its members were: Gen. Charles G. Dawes (chairman) and Owen D. Young from the United States; Sir Robert M. Kindersley and Sir Josiah Stamp from Great Britain; Jean Parmentier and Edgard Allix from France; Alberto Pirelli and Federico Flora from Italy; Baron Maurice Houtart and Emile Francqui from Belgium.

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in 1928-9 and thereafter, 1250 millions (subject to modification, as will be explained). (2) From a transport tax on railway passenger and freight traffic 250 millions will be obtained the second year, 290 the third and thereafter. (3) The German railways are to be transferred from government control to a joint stock company which will issue first mortgage bonds of 11 billions to a trustee of the Reparation Commission, preferred stock of 2 billions (one-fourth to the German Government), and common stock of 13 billions to the German Government. On the first mortgage bonds the railway company will pay to the Allies 200 million gold marks interest the first year, 595 the second (including 130 arrears from the first), 550 the third, and thereafter five per cent interest and one per cent amortization, or 660 millions per annum. In addition, Germany will turn over 250 millions the second year from the sale of its preferred stock. (4) German industries (excluding agriculture) are to be the security for 5 billion gold marks of first mortgage bonds, to be delivered to a trustee of the Reparation Commission, and on these interest of 125 millions will be paid the second year, 250 the third year, and after that interest and amortization will amount to 300 millions per annum. (5) Finally, a foreign loan of 800 million gold marks will be used to finance deliveries in kind the first year. Adding these diverse payments together, the totals will be: 1,000 million gold marks the first year, 1,220 the second, 1,200 the third, 1,750 the fourth, 2,500 the fifth and thereafter.

This schedule, however, is not so rigid as it appears. Its flexibility is its most characteristic and most valuable feature. During the transition period the payments from the budget may be increased or diminished according to the yield of customs, alcohol, tobacco, beer and sugar taxes. The schedule may also be altered if the purchasing power of gold changes more than ten per cent. And payments after 1929 may be increased in conformity with a prosperity index based on the amount of German imports and exports, the total budget receipts and expenditures, railroad traffic, consumption of sugar, tobacco, beer and alcohol, total population, and the consumption of coal per capita. It should be noted, by the way, that the schedule includes all payments to be made by Germany for reparation, restitution, armies of occupation, clearing-house obligations, expenses of Inter-Allied commissions, etc.

The significant statement in the Dawes Committee's report that the whole plan is based on the hypothesis "that the fiscal and economic unity of the Reich will be restored" meant that the economic control exercised by France and Belgium in the Ruhr must be relinquished, if the scheduled payments were to be obtained. It meant, furthermore, that the restrictions on commerce btween the occupied area (the Left Bank and bridgeheads) and the remainder of Germany must

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be removed. Both of these requirements were subsequently agreed to, with marked reluctance on the part of France (*infra*).

In separating the question of how much Germany can set aside for reparation from the question of how much can actually be paid, the Dawes Committee performed a very significant service. The transfer of money to the Allies, the Committee held, cannot in the long run exceed the amount of Germany's surplus in the international balance of trade and services,[1] without causing instability of currency and budget. Accordingly, the Dawes Plan requires Germany to make all reparation payments in German gold marks or equivalent German currency, into the new German Bank of Issue, to the credit of the Agent for Reparation Payments. There Germany's responsibility ends. The Agent General and an international committee of five other members will control the transfer of these payments, either by deliveries in kind or by purchase of foreign exchange. If the accumulation of untransferred funds exceeds five billion gold marks, the scheduled payments by Germany are to be reduced temporarily. In short, payments by Germany are limited by Germany's budget and industrial surpluses, whereas transfers to the Allies are in effect limited by the condition of mark exchange, and might conceivably be less than the sums specified in the schedule.[2]

The **second committee**[3] appointed by the Reparation Commission convened in Paris, Jan. 21, 1924, and after thirty-eight meetings issued a report, April 9, 1924, estimating the amount of German capital in foreign countries at the end of the year 1923, as approximately 6.75 billion gold marks; the foreign currency in Germany, as 1.2 billion gold marks; the real estate and securities owned in Germany by foreigners, as 1 to 1½ billions; the foreign assets acquired by the sale of marks, as between 7 and 8 billion gold marks. The exodus of capital from Germany could be prevented only by eradicating the cause—inflation. This is of interest as an answer to French complaints that by exporting capital the Germans were evading their reparation obligations; but the report was overshadowed by the Dawes Plan.

Instead of simply regarding the Dawes Plan as a report for the information of the Reparation Commission, as Poincaré seems origi-

[1] For 1924 German trade showed an *import* surplus of 2.7 billion R. Mk.

[2] The text of the Dawes Report, with relevant documents, is conveniently published by the World Peace Foundation, vol. VI, No. 5. It is reproduced also, along with a careful and somewhat pessimistic analysis, in *The Reparation Plan*, by Harold G. Moulton (McGraw-Hill, 1924). *Cf. Amer. Jour. Int. Law*, vol. XVIII, pp. 419-435.

[3] Rt. Hon. Reginald McKenna (chairman), Henry M. Robinson, André Laurent-Atthalin, Mario Alberti, Albert Edouard Janssen.

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nally to have intended, the Allies [1] referred it to a conference of the governments concerned. At the **London Conference,**[2] July 16 to Aug. 16, 1924, Belgium, the British Empire, France, Italy, Greece, Japan, Portugal, Rumania and Yugoslavia were represented; the United States ambassador [3] participated without power to commit his government to decisions; and a German delegation was admitted after the Allies had reached a preliminary agreement. On the two foremost controversial issues, namely, the power of the Reparation Commission and the occupation of the Ruhr, compromises between the French and British viewpoints were adopted. The Reparation Commission (with an American voting) retains jurisdiction of defaults, but appeals may be taken to an arbitral commission, and the normal conduct of reparation business is transferred largely to a new mechanism set up under the Dawes Plan. As regards the Ruhr, notes [4] were exchanged by France, Belgium and Germany providing for evacuation within one year—a shorter period than France had desired. With these points settled the delegates on Aug. 16 initialed, and on Aug. 30 signed, a protocol and four agreements,[5] providing for the adoption of the Dawes Plan (to go into effect Oct. 5) and for the arbitration of disputes which might arise in its execution. Thereupon the Reparation Commission appointed Mr. Owen D. Young [6] as Agent General for Reparation Payments. The gradual evacuation of the Ruhr by French and Belgian troops was begun. The customs line between occupied and unoccupied German territory was abolished. The legislation necessary on Germany's part to provide for the railway company, the railway and industrial bonds, fiscal changes, and administrative control, as required by the Dawes Plan, was adopted by the Reichstag, not without opposition. A German external loan of 800 million gold marks at seven per cent, as proposed by the Dawes Plan, was issued in October, at 92, and promptly over-

[1] The Poincaré Government had been superseded by Herriot's Cabinet of the Left, in June, and the Conservative Cabinet in England had been replaced by the Macdonald Labor Cabinet. See pp. 147 and 114.

[2] Accounts of the conference are given in *Current History,* Sept. 1924 and in *Amer. Jour. Int. Law,* vol. XVIII (1924), pp. 707-719. Minutes in *Parl. Papers,* Cmd. 2258.

[3] Secretary Hughes and Secretary Mellon visited London during the Conference but did not participate formally. American bankers were very influential in the informal negotiations outside the conference, in determining the conditions on which American participation in the proposed loan could be secured.

[4] Text in London *Times,* Aug. 18, 1924.

[5] Texts in London *Times,* Aug. 18, 1924, and Cmd. 2259.

[6] Succeeded by Mr. Seymour Parker Gilbert, former Assistant Secretary of the U. S. Treasury, Sept. 4.

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subscribed. A little more than half the amount, $110,000,000, was taken by American investors. Germany began to make reparation payments on the Dawes schedule. German exchange, based on the new stabilized currency, returned to par and remained there.[1]

After the adoption of the Dawes Plan, attention turned to the knotty problems of the **distribution of the Dawes Plan annuities** among the allied and Associated Powers, and the Inter-Allied war debts. Both depended chiefly on the United States. The contention of Secretary Hughes that the cost of the American army of occupation on the Rhine (*cf.* last RECORD, p 8), amounting to about $250,000,000, and American claims for reparation of damages (as under the reparation clauses of the Versailles Treaty) amounting to approximately $350,000,000, should be paid out of the Dawes annuities, was contested by the British Government, on the grounds that the United States was not party to the Treaty of Versailles, and that the United States should use sequestered German property, as the Allies had done, on the reparation account.[2] Difficulties arose also regarding the **French war debts,** which came under renewed discussion toward the close of 1924. France owed the United States for treasury advances during the war approximately $2,933,655,000, plus $650,000,000 accumulated interest, besides $400,000,000 for surplus war stocks taken over by France at the close of the war. To Great Britain France owed a war debt of £445,000,000 plus £174,000,000 interest. The total foreign debt of France was estimated at almost 31 billion gold francs, exclusive of the commercial debt (5 billions).[3] The French Government, while denying any intention of repudiation, seemed to desire a moratorium with reduced interest, which would mean in effect partial cancellation. And the British Government was unwilling that France should make arrangements for funding the French debt to the United States while ignoring the French debt to Great Britain.

[1] Germany concluded commercial treaties with Great Britain, Austria, Spain, Greece, Switzerland, and Czechoslovakia and opened negotiations with the United States, France and others.

[2] Great Britain later yielded, and at a Conference of Finance Ministers in Paris, in January 1925, an agreement was adopted regarding distribution of the Dawes annuities. The United States is to receive 55 million gold marks per annum for army costs, and 2¼% of the net Dawes receipts for reparation, or not more than 55 million gold marks per annum, for reparation. The same agreement determined the costs of commissions to be deducted from Dawes annuities, the Belgian war debt and priority questions, Greek and Rumanian shares in German, Austrian, Hungarian and Bulgarian reparation payments, the allotment of receipts from the Ruhr, and sundry other financial questions. The text is in *Current History,* March 1925, pp. 977-981.

[3] Reference Service on International Affairs (American Library in Paris), *Bulletin No. 4,* a useful survey of the external governmental debts of fifty-seven countries.

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II. UNITED STATES

DOMESTIC POLITICS

POLITICAL PARTIES AND ELECTIONS. — The course of national politics from June 1923 to December 1924 was shaped by the play of various factors. The congressional elections of 1922, in which every shift in the House had been from Republican to Democratic, together with the Farmer Labor victories in 1922-3, hinted at such a turning of the tide as there had been in 1910 or 1890. The meaning of these elections was fully appreciated after December 1923, when the possibilities of balance-of-power tactics by blocs were demonstrated in Congress (*cf. infra*, p. 59). The Republican position was suddenly jeopardized further by the investigations which after December spread rapidly into many fields of administration. The mutilation of the Mellon Tax Reduction Plan by Congress during the winter and spring, however, symbolized for conservative business opinion what further Republican defeats might mean. On the economic side, agricultural maladjustment continued, although an expected upward turn of grain prices came in June, 1924. Business generally was low during the early months of 1924, despite much optimistic talk at the close of 1923. Cutting across economic issues, social frictions were at work around confused questions of race, religion and prohibition.

Presidential primaries.—The primary contests were the most interesting feature of the pre-convention campaign of 1924, although the delegates in the national conventions who were controlled or directly influenced by the operation of the primaries were nearly equaled in number by the delegates subject to "instructions" from state and local conventions—a method whereby the national convention system had been shortcircuited long before direct primary features were spliced on it. The status of **presidential primary legislation** remained practically as it had been in 1920. Vermont had repealed its act in 1921; about the same time, the laws in Montana and Nebraska were saved only by the operation of the referendum, and in one of these states, Montana, the voters on another referendum in November 1924 sustained an act abolishing its presidential primary (*cf. infra*, p. 92). In the meantime, Alabama had provided that the highest candidate in the direct presidential preference vote might himself name the state's delegation to the national convention. By a ruling of the attorney general, however, this law was denied mandatory effect, although it was voluntarily followed by the party which had conceived it as a means of promoting the candidacy of Senator Underwood. The status of the presidential primary laws as they existed in 1924, with the dates of the elections in that year, and a bare indi-

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cation of the type of choice that might be expressed, is indicated in the following table:

Date	*State*	*Officer voted for directly*
March	11—Alabama	(construed to be unconstitutional because of mandatory features) Pres.
	11—New Hampshire	Dels. at large and district dels., with their preferences on ballot.
	18—North Dakota	Pres., also dels., all being at large.
	19—Georgia	(optional)
	25—South Dakota	Pres.; Vice-Pres.; also dels., all being at L.
April	1—New York	District dels. without preferences being indicated.
	1—Wisconsin	Pres., Vice-Pres., also dels. at L, and district dels., with preferences indicated.
	7—Michigan	Pres. only.
	8—Illinois	Pres.; also dels. at L. and district dels.
	8—Nebraska	Pres.; Vice-Pres.; also dels. at L. and district dels.
	22—New Jersey	Pres.; also dels. at L. and district dels., with preferences indicated.
	22—Pennsylvania	Pres.; also dels. at L. and district dels.
	29—Massachusetts	Dels. at L. and district dels., with preferences indicated.
	29—Ohio	Pres.; Vice-Pres.; also dels, at L. and district dels. with preferences indicated.
May	5—Maryland	Pres.; also dels. to state convention.
	6—California	Dels., all being at L., with preferences indicated.
	6—Indiana	Pres.; Vice-Pres.; also dels. to state convention.
	16—Oregon	Pres., Vice-Pres.; also dels. at L. and district dels.
	27—West Virginia	Pres.; also dels. at L. and district dels.
	27—Montana	Pres.; Vice-Pres.; also dels.
June	3—Florida	(optional) Pres., dels., or both.
	7—North Carolina	Pres. and Vice-Pres.

The invitation offered by these laws was again accepted more fully by Republican than by Democratic candidates. President Coolidge's desire for the nomination, frankly admitted after the death of President Harding on August 2, 1923, cleared the Republican primaries of favorite sons. Senator Hiram Johnson of California, who announced himself on November 15, 1923 as a candidate of the element that "avoids ultra-conservatism and ultra-radicalism", was willing to attempt again his essential tactics of 1920 and to enter any primary that afforded an opportunity to gain delegates through a system of preferences expressed on the ballot. The reluctance of others to challenge Mr. Coolidge simplified the contest. Henry

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Ford removed himself as a possible complication by a statement on December 19, 1923 that he was not a candidate, being satisfied with the President. Governor Pinchot never proclaimed hopes which many thought it natural to expect in him. Senator LaFollette appeared as a candidate only in his own state, Wisconsin, and in North Dakota, although "write-in" campaigns gave him primary votes in a few other places. Together, Senator Johnson and the President invoked a nearly universal use of the existing machinery of preferential primaries. Senator Johnson, however, not only seemed unable to connect his candidacy with any well-defined drift within his party, but also usually failed to set his sails so as to catch the winds of local leadership and local rivalries, by which, experience seems to show, national presidential primary contests are in fact largely driven. In the middle of May, after defeat in the California primaries,[1] at a time when there were still some eighty delegates to be chosen, Senator Johnson abandoned the race and freed the few instructed for him.

Democratic contestants had more cause to defer to the vested rights of local favorites. Mr. W. G. McAdoo made the widest resort to the primary, winning by this method about 194 of the nearly 300 delegates whom he could regard as in some way formally instructed for him before the convention began. In the choice of delegates he could rely upon the interest and quiet influence of individuals who were widely distributed and often strategically placed in state and local politics. But even Mr. McAdoo declined to enter the Nebraska primaries, for example, in opposition to Governor Charles W. Bryan. Governor Alfred E. Smith did not become involved in open preferential primary contests except in Wisconsin. He declined to permit his name to be put on the Wisconsin primary ballot in opposition to Mr. McAdoo and Senator James A. Reed of Missouri; but one of two sets of delegates was expressly labeled on the ballot as preferring Smith, and this was elected.

The votes cast in the presidential primary elections of 1924 are summarized by Dr. Louise Overacker, who has made an exhaustive, constructive study of the operation of the system since its beginning.[2]

The issue there was in large measure the rivalry of Senator Johnson and Governor Richardson for control in state politics; but it is probable the election would not have gone against Johnson if it had not been for the cumulative effect of Coolidge victories in other states during the weeks before.

[2] *The Presidential Primary*, a book only recently completed and in manuscript at the present writing.

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Republican			*Democratic*		
Coolidge	2,163,481 votes	572 dels.	McAdoo	466,709 votes	194 dels.
Johnson	1,007,833 "	10 "	Others	276,674 "	372 "
LaFollette	82,492 "	34 "			
Scattering	23,870 "			743,383 "	566 "
	3,277,676 "	616 "		(being 51.3% of the total number of voting delegates, 1098)	
	(being 55.5% of the total number of voting delegates, 1109)				

Popular participation in the presidential primaries of 1924, measured by a comparison of the total vote in the primaries with the vote for the presidential electors of the major parties in the same states, seems to compare very favorably with that of former years, which Dr. Overacker estimates to have been 57.2% in 1912, 30.5% in 1916 and 34.3% in 1920. In 1924, in the 15 states for which returns in the presidential primaries are available, the primary vote was 36.9% of the combined vote in November for the three leaders, and 45.6% of the Democratic and Republican vote. The independent candidacy of Senator LaFollette makes an exact comparison with former years difficult.

The effects of the presidential primaries in 1924 were real, although in the main negative. President Coolidge was given an opportunity to show that under the circumstances of 1924 he constituted a formula of considerable vote-getting power. In the Democratic party the cultural forces that were in conflict did not come directly to grips in the primaries, but the preferential voting was at least of importance in helping to hold Mr. McAdoo in the race. After the revelation before a Senate investigating committee early in February of his retainer from Mr. E. L. Doheny, followed by discussion of Mr. McAdoo's connection with tax-adjustment cases and other government business, the impression was general that he had been eliminated as a possible nominee. Mr. McAdoo was able, however, to demonstrate that he could get votes at the hands of the Democratic rank-and-file in differing parts of the country. Unfortunately, from the standpoint of a then crucial and still pertinent problem of politics, the presidential primaries of 1924 gave no direct clue to the ability of Governor Smith to hold Democratic votes in the Solid South.

As a result of the protracted pre-convention campaign, conducted partly in the primaries and partly in the negotiations attendant upon state and district conventions, President Coolidge had been virtually renominated before the Republican Convention met, although the Vice-Presidential candidate had not been determined upon. In the Democratic Convention slightly more than half of the state delegations came with instructions given by the primaries or by conventions.

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The candidates thus assured at least nominal support at the opening of the convention were (in addition to Mr. McAdoo and Governor Smith) Senator Underwood (Ala. 24), Senator J. T. Robinson (Ark. 18), Willard Saulsbury (Del. 6), Governor J. M. Davis (Kans. 20), Governor A. C. Ritchie (Md., 16), W. V. Ferris (Mich., 30), Governor G. S. Silzer (N. J., 28), J. M. Cox (Ohio, 48), Senator Carter Glass (Va., 24), J. W. Davis (W. Va., 16), and Senator J. B. Kendrick (Wyo., 6). This does not include still others, like Senator Ralston of Indiana, whose adherents were not technically instructed for them.

National Conventions.—The national conventions of 1924 (aside from the possible effect that the application of the radio may have had upon their place in popular attention) did not make any innovation in arrangement or method, nor did they improve on their physical and procedural maladjustment. One was unusually devoid of interest; the other was extraordinarily vital. The Republican convention at Cleveland on June 10, 11 and 12 was perfunctory. The Democratic convention in New York City, June 24 to July 10, established a record in the number of its sessions (29) and in the number of ballots (103). **Women** were evident on the floor in increased numbers, comprising 10.6% of the individual Republican, and 12.5% of the Democratic delegates, and a somewhat larger proportion of the alternates in both cases. Women, furthermore, headed the Republican Committee on Permanent Organization and the Democratic Committee on Credentials.

The long-standing problem of **apportionment in the Republican National Convention** was the subject of some wavering on the part of the National Committee. In 1921, in compliance with a resolution of the 1920 convention, the National Committee had undertaken to formulate a scheme whereby the representation of the Southern states might be curtailed further than had been done by the 1916 change of the traditional rule doubling the electoral vote. A sub-committee was asked to consider the details of a new rule which would have decreased the voting power of these states by 23, from 234 to 211, while adding 74 to the votes of the Northern and Western states. At its meeting in December, 1923, however, the Republican National Committee swept aside its own tentative decision and adopted a rule by which ten states of the South, which held 147 votes in the 1920 convention and which would have been cut to 118 under the suggested plan, were given 156 places in the convention of 1924. This new basis of apportionment assigned four delegates at large to each state, two additional for each representative at large, one delegate for each congressional district, an extra delegate for each congressional district casting a Republican vote of 10,000 or over in the last presidential or congressional elections, and, besides all this, allotted three additional delegates to any state that had given its electoral vote to

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the Republican nominee in the preceding election. Under the altered rule, as it worked out in 1924, Alabama, Florida and Virginia each gained two more than they had in the 1920 convention; Arkansas, Georgia and Louisiana gained one each; while the representation of Mississippi, North Carolina and South Carolina remained unchanged. Among the border states, Kentucky was not affected, but Delaware, Maryland, Missouri and Oklahoma could claim three more votes apiece, and Tennessee, where Harding had triumphed in 1920, profited to the extent of seven additional delegates. Against all this, of course, stood the increase in the whole membership of the convention from 984 in 1920 to 1109 in 1924. The relative standing of the Southern states, indeed, was scarcely different in the 1920 and 1924 conventions. The ten consistently Democratic states controlled 14.9% of the delegates in 1920 and 14.0% in 1924; the group of six states on the Border, 12.6% in 1920 against 12.8% in 1924. The significance of the adoption of the new plan of apportionment lay precisely in the negative fact that it made no change. The 1924 Republican convention, in adopting its rules of procedure, affirmed this apportionment as the basis of the 1928 convention, and, with a Republican president in power, renewed rather than ended an old problem.

The policy of the Republican National Committee in thus stopping at least temporarily the tendency to shorten the leverage of the Southern element in the nomination of candidates was naturally interpreted by many as a phase, merely, of the campaign for the renomination of the President, in which, it was also suggested (with not a little criticism), an earlier step had been Mr. Coolidge's own choice of a secretary. On August 14, 1923, he had named Mr. C. Bascom Slemp, recently in the House of Representatives as representative from the 9th Virginia district (Republican from 1902 to 1920) and nearly the only Southerner in a position to acquaint himself actively with problems of personality and patronage from the vantage point of congressional politics. Another factor that has influenced the attitude toward the curtailment of Southern representation in Republican councils, however, has been the negro voter. The northward drift of the negro population has continued. In October, 1923, the Department of Labor estimated that 500,000 negroes had left the South in the preceding twelve months. Speaking before the Platform Committee of the Republican National Convention of 1924, in connection with the successful attempt to gain a plank expressly in favor of a national anti-lynching law, the editor-in-chief of the Associated Negro Press alluded significantly to 200,000 colored voters in Ohio, 200,000 in Illinois, 150,000 in Missouri, and 45,000 in Michigan. The effects are noted in the tactics of both parties. In the 21st Congressional district in New York City, Dr. C. H. Roberts, a negro dentist, was nominated in 1924 as Republican candidate for

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Congress, where a negro last sat in 1901. More interesting, perhaps, was the choice by Mr. Brennan, the Democratic leader in Chicago, of a negro to run (hopelessly, of course) against Congressman Martin B. Madden in the 1st Illinois district. The situation in the North reacts against any drastic handling of Southern representation while negroes are prominent in the Republican organizations of Southern states.[1]

Procedure in the Democratic Convention was deeply involved in a bitter struggle. Interests were balanced by the association of the two-thirds rule and unit rule; this situation favored compromise and the status quo. Mr. McAdoo profited by the unit rule, in the much modified form used in recent years, whereby the decision whether the entire vote of a state shall be cast as a unit is left to the determination of the party authority in the state, acting through a presidential primary law or otherwise. His opponents profited by the two-thirds rule, and all sides might well admit the connection of the two rules, for the two-thirds vote necessary to nominate would still be even harder of attainment by any candidate if delegates did not move in blocks. Even before the convention, it was reported that Mr. McAdoo's supporters had dropped the idea of attacking the two-thirds rule. So little disposition was there on either side to let a fight over the rules of voting become crucial that the Rules Committee rejected the proposal to drop the two-thirds rule by a vote of thirty-seven to three. The convention adopted its permanent rules unanimously. On July 8, after the 95th ballot, a proposal to drop the two-thirds requirement was rejected without even a roll call.

The major parties followed time-worn procedure, and drafted **platforms** as thoroughly stamped as ever by the characteristics long since assumed by formal party statements in the United States: prolixity, with a tendency toward lowest common denominators in controversial matters, and toward highest common multiples in essentially non-controversial fields. In the **Republican platform** the statements on the World Court and on the Ku Klux Klan were understood to give the chief trouble. After seven hours' discussion in the whole committee, the Warren draft was accepted without substantial change; a substitute plank on the World Court, for example, received

[1] Contested seats were negligible in the Democratic Convention and not important in the Republican Convention, although more numerous there, largely because of the usual "lily white" *vs.* "black and tan" factionalism in the South. Republican contests involved the entire delegations of Ga. and Miss., the delegates at large of Ark., delegations from two districts in S. C. and one in Tenn., and the delegations from D. of C. and Porto Rico. The recommendations of the National Committee in the preliminary roll were backed up in all cases by the Convention, except for a compromise on the Porto Rico contest, proposed from the floor.

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only two votes in the committee. Henry A. Cooper, oldest in service among the Wisconsin members in the House of Representatives and the Wisconsin member of the committee, was alone in presenting a minority report to the convention itself. His report, in accordance with the habit of the Wisconsin delegation since 1908, was virtually a substitute platform, but the majority platform was accepted *viva voce,* with dissent only from the Wisconsin delegation.

Controversy over the **Democratic platform** reached the floor under circumstances unusual in convention history. Two questions perplexed the Committee on Resolutions: the party's attitude toward the League of Nations and the Ku Klux Klan. The result was uncertainty in the subcommittee that delayed the reporting of the platform until late Saturday in the first week of the convention. In the meantime the convention had varied traditional procedure slightly by hearing the nominating speeches before the platform; and the demonstration provoked by an open denunciation of the Ku Klux Klan in the speech naming Senator Underwood had indicated the difficulty of a smooth and perfunctory settlement. Regarding foreign policy, the death of Woodrow Wilson on February 3, 1924 had made it easier to seek a position that would avoid too direct a responsibility for urging American participation in the League of Nations. A formula was found in the proposal of a national advisory referendum. The committee recommended it (8 dissenting) and the referendum plank was upheld, 742½ to 353½. Regarding the Ku Klux Klan, two-thirds of the members of the Committee on Resolutions voted for a general endorsement of the bill of rights, "obedience to the orderly processes of government" and a broad condemnation of "any effort to arouse religious or racial dissensions." A group of thirteen dissenting members of the committee, led by Mr. W. R. Pattangall (who later in the summer ran as the Democratic candidate for Governor in Maine largely upon this issue), moved an explicit pledge in the platform "to oppose any effort on the part of the Ku Klux Klan or any organization to interfere with the religious liberty or political freedom. . . ." The interest and feeling shown in the long debate on the question during the evening session were due partly to the fact that it involved the fortunes especially of Mr. McAdoo and Governor Smith, but, deeper than candidacies, when once aroused it struck down to differences between small-town, Evangelical culture and the currents fed by city life and immigration, so long associated in the membership of the Democratic Party.[1] The outcome turned on a hair; the majority report, indicting the Klan only by indirection, carried by a vote of 546.15 to 542.85. The close vote decided nothing,

[1] See A. N. Holcombe, *The Political Parties of Today* (1924), for an illuminating summary of the composition of the major parties.

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although it is worth noting that the platform itself was immediately accepted unanimously.

Republican perplexities as regards **nominations** were confined to the Vice Presidency. Mr. Coolidge was nominated on the first ballot, receiving 1065 votes. Even before the formality of the presidential nomination had been disposed of, the discussions of the intimate groups of leaders [1] and the gossip of the members of the convention had turned to the problem of completing the ticket. An obvious line of strategy, especially in view of Mr. Coolidge's associations and of the agricultural unrest in the trans-Mississippi West, suggested the choice of a candidate identified at least with the thinking of that region. As it turned out, the ticket was made more homogeneous than usual. This result was reached by accident. The President, it was said, favored Senator Borah of Idaho. When, however, Senator Borah declined, Mr. Butler made it understood that the President wished Judge Kenyon of Iowa, formerly Farm Bloc leader in the Senate. This was refused by various leaders unless the White House would explicitly ask for Kenyon. With no such express suggestion forthcoming from Mr. Coolidge, Mr. Butler favored Mr. Theodore E. Burton of Ohio. Many state leaders, however, had been known to favor former Governor Lowden of Illinois. On the first ballot, Lowden received 222 votes, Kenyon 172, Burton 139 (including the bulk of the delegations of New York and Ohio), and Charles G. Dawes of Illinois, 149; besides votes were scattered among twelve others. As the second ballot proceeded, it was confused by the rush of numerous states to change their votes to Lowden, and it ended with his choice by acclamation; the totals credited him with 766, against 94 for Burton, 68 for Kenyon, and 49 for Dawes. At this point Mr. Lowden upset matters by a point-blank refusal to become the nominee.[2] After a recess, Mr. Butler was understood to urge the nomination of Herbert Hoover. The suggestion met opposition from New York and Pennsylvania notably, and was disregarded, although the Administration's influence was evident in the fact that Secretary Hoover received the votes, not only of Massachusetts, Connecticut, California and Oregon, but also of Alabama, Arkansas, Florida, Georgia and Mississippi, in addition to the divided votes of Louisiana, Missouri,

[1] The "inner circle" consisted especially of the following: W. M. Butler, of Mass., Mr. Coolidge's manager, Secretaries Weeks and Mellon, Senators Reed and Pepper, of Pennsylvania, and Wadsworth of New York (rather as state leaders than as representatives of any Senatorial group), and C. D. Hilles, National Committeeman of New York.

[1] Mr. Lowden had already declined the Vice-Presidential nomination in fairly unmistakable terms on June 8, pleading his preoccupation with plans of agricultural cooperation.

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Tennessee and Ohio. Again the roll-call became a rush as the delegations sought to change with the drift. The count stood Dawes 682½, Hoover 234½, Kenyon 75, with lesser votes for six others. The nomination of some one not touched by Northwestern agrarianism or by so-called liberalism undoubtedly lessened the confusion of issues in the campaign. As Republican chances brightened, the choice of the convention, hailed at first as an act of courage, was regarded by the party to have been one of shrewdness as well as of wisdom.

In the Democratic National Convention, long-standing conditions and immediate circumstances conspired to make the choice of a candidate extraordinarily difficult. The convention was burdened by rules that twice within twelve years had carried the voting into the second week and to over forty ballots. Democratic chances of success—although already perceptibly poorer than early in the year—were bright enough to arouse ambitions; if the situation did not offer the near certainty of 1912, at least it seemed to offer much better than the forlorn hope of 1920. There were two candidates of great power, sectionally aligned, as to each of whom (rightly or wrongly) it could be said in good faith by the adherents of the other that he could not possibly be elected under the conditions of 1924. The attitude of the gallery crowds in New York (selected by the National Committee as the convention city, January 15, 1924, on the stipulation of the payment of $205,000 and concessions worth $50,000) made the supporters of Mr. McAdoo less disposed to be conciliatory. There were a considerable number of minor candidates. The leaders in the race, especially Mr. McAdoo, sought to apply the lesson of the victory of Woodrow Wilson in the 1912 convention.[1] A stalemate resulted, for the lesser candidates would not budge until the leading candidates had eliminated each other, and yet (short of reasonableness on the one hand, or exhaustion on the other) the deadlock could be broken only by the movement of the votes originally cast for various minor candidates. So tenaciously did these hold their delegates, however, that even when Mr. McAdoo reached his high point of 530 votes on the 69th ballot (on the fifth day of actual voting), 233 votes were scattered among eleven candidates other than McAdoo and Smith; when Governor Smith's high point was reached on the 76th ballot, 216 votes were being distributed among twelve minor candidates.

[1] The lesson in mind was that a strong candidate might break a seemingly hopeless deadlock by grimly holding on despite every discouragement; Wilson's managers, although they were on the point of giving up on at least one occasion, held on and finally won. Unfortunately for future Democratic conventions, the experience of the 1924 convention will probably encourage minor candidates to cling to their support—tactics greatly favored by the two-thirds rule when there is formidable opposition to the leading candidate.

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Governor Smith's vote revealed its largely defensive character in its steadiness. Having climbed from 241 to a level somewhere above 300, it showed no sharp fluctuations until the very end. Mr. McAdoo's support rose and fell five times: from 431½ up to 479 on the 15th ballot, and down to 412 on the 28th (with J. W. Davis profiting temporarily); up to 505 on the 40th, and down to 413½ again on the 52nd (with Senator Ralston gaining temporarily); up to 530 on the 69th, and down to 310 on the 92nd (with Senator Glass and then Ralston rising for a time); finally, up to 421 on the 96th, before its collapse.

Various expedients were sought in the attempt to break the deadlock. On July 5, by a vote of 496 to 589½, the Convention defeated a resolution (by former Senator Hitchcock of Nebraska) that the lowest candidate, beginning on the 75th ballot, should withdraw until only five were left, all such withdrawals to be for the day only. A somewhat similar suggestion was part of Mr. McAdoo's own answer to the *modus vivendi* formulated by a conference of the managers of all candidates, held during the week-end adjournment, after the 77th ballot, in compliance with a resolution of the self-exasperated convention. It was proposed that all candidates should simultaneously release the delegates from all pledges and instructions. Mr. McAdoo alone refused to sign; he proposed instead that the unit rule be abrogated, that votes of absent delegates be distributed pro rata on the basis of the remaining members, and that the low man be dropped on each successive ballot. The suggestion was not adopted by the convention. Other proposals departed even further from traditional procedure. A motion (offered on July 4 after the 66th ballot) that all candidates should be asked to address the convention in executive session, received 551 affirmative and 538 negative votes, but failed of the two-thirds necessary to suspend the rules. Shortly afterward Governor Smith's manager moved that the rules be suspended to permit Governor Smith to speak to the Convention; this, too, lost under the two-thirds requirement by 604 to 473. When, however, Mr. McAdoo sent a request that unanimous consent be allowed so that his opponent might speak, the motion was blocked by the Smith forces themselves. A motion to take the convention to Kansas City received 82.7 votes in favor to 1007.3 against it.

The end of the deadlock was reached on the 100th ballot. When the 94th was being taken, Governor Smith's manager announced that "immediately after Mr. McAdoo withdraws Governor Smith will withdraw his name." For a time McAdoo drew ahead, but the 99th ballot found him tied with Smith. At this point McAdoo sent a message that his supporters were "free to take such action as in their judgment may serve the interests of the party." The McAdoo vote dropped at once to 190 on the 100th ballot, and then successively to 52, 21, 12. The Smith strength, having held together on the 100th, fell to 121, 44, 12½.

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The convention was thus brought suddenly, although so belatedly, to the real choice of a candidate. The convention was in a sense unprepared, largely because Mr. McAdoo had not provided for an effective exercise of his influence on behalf of some other candidate. Of the available contestants, Senator Ralston had withdrawn a second time, after his vote had grown from the 74th to the 92nd ballot. Senator Carter Glass had failed to hold strength in a brief period of increase after the 80th ballot. John W. Davis had been the first of the lesser candidates to climb, having run above one hundred votes between the 20th and the 38th ballots. In the later stages of the convention he once more gained substantially, going (while McAdoo's vote was again increasing) from 81 on the 94th ballot to 139, 171, 183, 194 and 210 on the successive ballots to the 99th. On the 100th however, he fell to 203, although McAdoo had sent his equivocal release and his support had already gone half to pieces. It was understood that McAdoo influence favored former Secretary of Agriculture E. T. Meredith of Iowa. He had begun to receive votes on the 88th ballot, stood above 75 when the 100th ballot was taken, at 130 on the next, but he was down to 66 on the 102nd. The clue to the final resolution of forces in the convention probably lay largely in the relation of Smith's vote to that of Underwood. Senator Underwood's strength had scarcely changed during eight days of voting, but on the 101st and 102nd ballots, while Smith's vote was dropping from 351 to 121 and then 44, Underwood was leaping from 41 to 229 and, on the 102nd, to 307. The effect was to drive votes in something of a panic to John W. Davis, in as much as Underwood was not only known as a conservative Democrat in his general economic thinking, but was supposedly "wet" in his political sympathies. On the 102nd ballot Davis received 415 to Underwood's 307; on the next and final ballot, 839 to Underwood's 102.

In picking a Vice Presidential candidate, the Democratic Party looked to the Northwest and put "balance" above homogeneity. Immediately after the nomination of Mr. Davis, Senator Thomas J. Walsh, the presiding officer (for whom there had been a significant, unconcerted drift on the last ballots on the Presidential nomination, giving him 123 votes on the 102nd ballot) was named the Vice Presidential candidate by a shout of acclamation—ruled by him to be out of order. Senator Walsh having declined, the attention of the convention at an extra evening session was scattered among about twenty candidates, with no evidence of plan or cohesion. An impromptu recess was arranged to permit a conference of leaders. Those who were reported to be present were the Presidential nominee himself, Governor Smith (who favored Governor Silzer of New Jersey), J. F. Guffey of Pennsylvania, George E. Brennan of Illinois, Mayor Frank Hague of Jersey City, Thomas Taggart of Indiana,

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I. Dockweiler and Gavin McNab of California, J. Bruce Kremer of Montana, Frank Polk of New York, and Josephus Daniels. Mr. Daniels proposed Charles W. Bryan, governor of Nebraska since 1922 and brother of William Jennings Bryan. The suggestion was acceptable to Mr. Davis, to whose wishes all deferred. Only one ballot was necessary, but it was very much confused by the attempts of numerous states to change votes as soon as the behavior of certain big delegations had revealed the decision agreed upon by the leaders. The recorded vote gave Governor Bryan 739 and Major George Berry (whose candidacy appealed in a mingled way to soldier and conservative labor-union sympathies) 212½, with 146 votes dispersed among six other lesser candidates. Governor Bryan's nomination, like that of Mr. Davis, was made unanimous.

Minor Party Nominations. — The creative phases of domestic politics during 1923-1924 continued to center in attempts at the amalgamation of **agricultural and industrial discontent.**[1] Four influences were in confused interplay. In the first place, there was a strong tendency toward the formation of independent state parties, especially in Minnesota and the Northwest. In the second place, there was much interest in the possibility of Congressional politics, in the use of sectional forces disguised within the major parties, in the slow consolidation of gains thus won, and in a process of defining the program of a new party movement by meeting the concrete situations of current legislation. This viewpoint was best represented by the Conference for Progressive Political Action. A third factor was the willingness of the Socialist Party, reduced by the Communist schisms after 1919 to a membership of hardly more than twelve thousand, to contemplate merging itself as an educational force in a broader movement, much after the manner of the Independent Labor Party in Great Britain. A fourth factor was the curiously opportunistic attitude of the American Communists who (partly in response to a supposed shift of tactics abroad) were eager to compromise, to sacrifice the letter if they could keep the spirit by giving the essential character of a class movement, regardless of the words of its program, to some independent party.

The development of independent parties in the Northwest came largely in soil plowed in advance by the **National Non-Partisan League.** The decay of the League as a national organization actually facilitated the development of independent movements. In July 1923 came the end of the central organization of the League. Burdened by mortgages and with about two millions of dollars of worthless post-dated checks in its safe, it was unable to continue. The cause of the collapse, however, lay deeper than in financial extremities. For some time

[1] For the detailed programs, etc., see the *American Labor Year Book*.

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movements of state autonomy had been disintegratingly at work. The state branches of the League were turned adrift. Some continued essentially along old lines. In North Dakota, for example, the League was able to nominate Mr. Sorlie as its candidate for Governor on the Republican ticket in 1924 and, along with him, to elect a majority in the State Legislature. In Minnesota, on the other hand, the Farmers' Non-Partisan League and the Working People's Non-Partisan League on March 13, 1924 completed the merging of their identity in Farmer Labor Party. It was by this party that Senator Shipstead and two congressmen were elected in 1922 and Senator Magnus Johnson was chosen in the special senatorial election, July 16, 1923.

Two attempts at federation were made during 1923-1924. A convention of all elements sympathetic to independent party action was called in July 1923 under the auspices of the National **Farmer Labor Party.** The elements designated in 1919-1920 as Communist, but organized after 1921 in the Workers' Party, were present and by alert parliamentary tactics secured a prominent place on the committees of the new Federated Farmer Labor Party. The new program was not notably different from the old; but the leaders of the old Farmer Labor Party repudiated the new federation. Two parties for a while resulted, until, in 1924, the original Farmer Labor Party was abandoned by the Chicago City Federation of Labor, by which it had been really maintained since 1920. The story virtually repeated itself in a convention held in St. Paul on June 17, 1924. Senator LaFollette announced that he could not accept a nomination from the convention as it was constituted. Senators Shipstead and Johnson stayed away. The convention sought to escape from the anomalous situation by nominating Duncan McDonald and William Bouck, and by giving its executive committee power to make substitutions later. On July 10, 1924 the nominees withdrew in favor of Senator LaFollette. William Z. Foster and Benjamin Gitlow then became the nominees of the Workers' Party, through which the Communist elements resumed their operations.

The **Conference for Progressive Political Action** became the practical rallying-point of the movement on behalf of Senator LaFollette. The railroad brotherhoods—relatively well-paid and intelligent, but standing outside the A. F. of L. and rendered unusually politically-minded by the government's close relation to railroads and to problems of railroad labor—had been the core of the Conference since its inception in 1922. At its meeting in St. Louis on February 11-12, 1924, the Conference for Progressive Political Action commended the direct primary as the most important feature of the political system, endorsed the Progressive Bloc in Congress, drew up a list of legislative proposals, and called a nominating convention at Cleveland on July 4. At that time not only Communists but any who had participated offi-

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cially in the St. Paul convention of June 17 were excluded. Senator LaFollette was not technically nominated; his decision to run independently was merely received and endorsed. The question of a running mate was left to the executive committee, which on July 18 in conference with Senator LaFollette named Senator Burton K. Wheeler of Montana, a Democrat, as the independent Vice Presidential nominee. The conduct of the campaign was left to a national committee representative of the various participating groups; but in practice it devolved, as had the previous work of the Conference for Progressive Political Action, upon affiliated conferences in the states. By the spring of 1924 the Conference claimed such connections under various names in as many as thirty states; and during the campaign this system was extended, but the Conference never had an organization in Georgia, Kentucky, Louisiana, Nevada, North Carolina, South Carolina, Rhode Island and Vermont.[1]

Other presidential nominations by minor parties were as follows: F. T. Johns and V. L. Reynolds, named by the Socialist Labor Party

[1] On July 7, 1924, the **Socialist Party** in annual convention concurred in the endorsement of La Follette's candidacy, but specifically declared its firm adherence to the principles of Socialism. Its willingness to cooperate with the Conference for Progressive Political Action in the endorsement of candidates was limited to those running independently of the major parties. In the elections of 1924 the La Follette candidacy was compelled by a court decision to depend exclusively upon the Socialist list of presidential electors in California, and in New York, Pennsylvania, Connecticut, Missouri and Oklahoma the electors pledged to Senator La Follette appeared on the ballot separately under both Socialist and Progressive names. More or less complete slates of Socialist candidates for state offices, furthermore, were presented in California, Colorado, Illinois, Indiana, Kansas, Maryland, Michigan, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Washington, West Virginia and Wisconsin.

On August 2, 1924 the Executive Council of the **American Federation of Labor** endorsed Senator La Follette by adopting the recommendations of its Non-Partisan Political Campaign Committee. The statement of political purposes did not indicate any change from the Federation's essentially negative interest in politics; it said in part, "we do not accept government as the solution of the problems of life. Major problems of life and labor must be dealt with by voluntary groups. . . ." It asserted, furthermore, that cooperation in Senator La Follette's candidacy was "not a pledge of identification with an independent party movement or a third party."

The Cleveland convention of the Conference for Progressive Political Action temporarily compromised conflicting tendencies in its membership by deciding that a convention should be called early in 1925 "to consider and pass upon the question of forming a permanent independent political party for national and local elections." On December 12, 1924, the committee, by a vote of 30 to 13, called a convention to meet in Chicago in the last week of February, 1925.

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in convention on May 11-13; W. Z. Foster and Benjamin Gitlow, nominated by the Workers' Party on July 11 under circumstances already indicated; H. P. Faris and Miss M. C. Brehm, chosen by a convention of the National Prohibition Party on June 5-6; W. J. Wallace and J. C. Lincoln, designated by the Commonwealth Land Party (formerly the Single Tax Party) on February 8-9, 1924; and G. O. Nations and C. H. Randall, chosen by a conference of representatives of fifty-three anti-Catholic organizations, who on June 3, 1924 formed the American Party.

The campaign.—Familar patterns for the most part were followed in the presidential campaign. William M. Butler of Massachusetts, Mr. Coolidge's pre-convention manager, was chosen chairman of the Republican National Committee; Clem Shaver of West Virginia was named to lead the Democratic organization. Under the rule adopted by the Republican convention, the plan of double membership with equal voting power for women (a plan adopted in the Democratic National Committee four years before) was applied to the Republican Committee. Money was spent, nationally at least, in amounts somewhat smaller than in 1920, but in about the same proportions. A committee of the Senate headed by Senator Borah was authorized to conduct a running inquiry during the campaign. It later reported that the Republican National Committee collected $4,360,478 (as against $5,319,729 in 1920), and that it expended $4,270,469 and returned $573,599 to the states; the Democratic national organization collected $821,037 and expended $903,908.21 (as against $1,318,274 in 1920), leaving a deficit of $82,871. The Progressive national organization received $221,837 and spent $221,977.[1]

The salient Republican strategy was aided by the neat coincidence of a fortuitous circumstance in Congress, the danger that with three candidates the electoral college might not be able to make a choice, and the naming of C. W. Bryan for Vice President on the Democratic ticket. So little accustomed is the country to the decision of presidential elections by the House of Representatives that the possibility could have been made to seem disturbing enough under any conditions. It happened, however, that in the House of Representatives in the 68th Congress the delegations of Montana, Nebraska, New Hampshire and New Jersey were evenly divided between the parties, with the likelihood of a tie in Maryland also, and with Wisconsin and possibly North Dakota disposed to vote for LaFollette, leaving only twenty-one or twenty-two Republican votes where a majority of the states was needed. It happened also that the Senate, by which the Vice President might be elected with a chance of becoming President in

[1] 68th Cong., 2nd sess., Senate Report No. 1100.

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the event of a deadlock in the House, had already demonstrated the dominant position of the Democratic-Progressive Republican coalition. There were other ways out, of course, but in the reactions of the campaign the situation was effectively used by the Republicans to sharpen the alternative of Coolidge or chaos. This strategy was further facilitated by certain of Senator LaFollette's issues, notably the proposal that Congress should be given power to override the veto of the Supreme Court. Senator LaFollette was offered three alternatives: a campaign of mere preliminary education; concentration on the Northwest, accompanied by a refusal to do anything to weaken the Democrats in the industrial Middle West and East; or a general attack which would reduce the Democratic Party to third place at as many points as possible. The Progressive leaders seemed to waver in their choice among these alternatives. Only from the second could they hope for immediate success, even in the limited degree of throwing the election into Congress. Senator LaFollette's chances seemed brightest in late September and early October. As they waned, his emphasis appeared to shift to the third alternative; it was, indeed, hard to escape in view of the attempt to appeal to both agrarian and industrial elements.

The Presidential vote. — President Coolidge's popular vote of 15,718,789 (54.1% of the total) [1] and his electoral vote of 382 were

[1] The popular and electoral votes for the other candidates were as follows: Davis, 8,378,962 (28.8% of the total) and 136 electors; La Follette, 4,822,319 (16.5% of the total) and 13 electors. La Follette electors were on the ballot in all states except La. (where 4,063 votes were written in). In the 5 states (Conn., N. Y., Penn., Mo. and Okla.) in which La Follette electors appeared separately under both independent and Socialist designations, 32.9% of his vote was cast in the Socialist column; the vote thus cast was 433,629, compared with 329,540 votes for Debs in the same 5 states in 1920.

The lesser parties were on the ballot sporadically. The electors of the Workers' Party (of greatest interest from the standpoint of party alignments) appeared in 14 states and received 33,605 votes. The Socialist Labor Party polled about its usual vote—33,901, received in 20 states. The National Prohibition Party polled 48,671, received in 12 states, but of these votes 18,365 were in Cal., 9,779 in Penn., and 5,498 in Fla. The American Party polled 22,873, received in 6 states, 13,035 being cast in Penn., 5,991 in Wash., and 2,315 in Fla. The vote of the Commonwealth Land Party was negligible—less than 3,000, received in 7 states.

The declining use of the vote had become by 1924 a matter of serious concern. For a careful analysis of the trend, see A. M. Schlesinger and E. M. Ericksson, "The Vanishing Voter", *New Republic*, October 15, 1924, vol. 40, pp. 162-167. This condition received an unusual amount of attention in the campaign of 1924 and there were various educational movements to bring out the vote. The result was a slight increase (1.8%) for the country

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rather more than even his sanguine supporters expected. The very size of his majorities pointed to the weakening not of one party merely but probably of all party loyalties, yielding a condition which, in conjunction with the suggestibility engendered by national news services and the growing habit of estimating and discounting elections in advance, tends to convert any well-marked movement into a landslide. The **distribution of the vote** in 1924 can be analyzed to advantage in terms of county areas, for this mode of approach not only indicates the existence of strong minorities but also reveals the local preponderances that are especially important in a time of sectional politics. The following table shows the number of counties which were carried by the several candidates and also—a matter of even more significance—the counties in which Senator LaFollette ran second and those in which Mr. Davis and President Coolidge were in third place.

The outstanding and most arresting feature was the relative strength of the Democratic and Progressive candidates in the New Middle West and the trans-Mississippi West. Mr. Davis ran third in 23.3% of the counties of the country; he was third in 82.5% of the counties in the section comprising the New Middle West, the North West, and the Pacific Coast. The Democratic popular vote was less than the LaFollette vote in 12 states: Wisconsin (which LaFollette carried by a majority of 33,267 and a plurality over Coolidge of 142,064); Idaho, Montana, Nevada, North Dakota, and South Dakota (in all of which the combined Progressive and Democratic vote exceeded Coolidge's); and also California, Iowa, Minnesota, Oregon, Washington, and Wyoming (in all of which Coolidge, however, had a majority). These 12 states (polling in all 19.1% of the presidential vote in the country) gave LaFollette 2,028,655 votes—42% of his total. In these 12 states LaFollette's vote was 36.4% of the vote for all candidates; the Democratic vote, 508,064, was only 9.1%.

as a whole, marked gains in some states being offset by a positive decline of participation in other sections, especially the South.

For a statistical analysis of various phases of the presidential vote, see H. L. Keenleyside, "The American Political Revolution of 1924," *Current History*, March 1925, vol. XXI, pp. 833-40.

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PRESIDENTIAL VOTE OF 1924 BY COUNTIES

	No. of Counties	Counties carried by			Counties in which		
		Coolidge	Davis	LaFollette	LaFollette 2nd	Davis 3rd	Coolidge 3rd
North East.							
Maine	16	16					
New Hampshire	10	10					
Vermont	14	14					
Massachusetts	14	14					
Rhode Island	5	5					
Connecticut	8	8					
New York	62	62	..	..	2	2	
New Jersey	21	20	1	..	1	1	
Pennsylvania	67	63	4	..	9	9	
Total	217	212	5	..	12	12	
Middle.							
Old Middle West.							
Ohio	88	80	8	..	10	10	
Indiana	92	75	17				
Illinois	102	89	12	1	25	26	
Michigan	83	83	..	..	20	20	
Total	365	327	37	1	55	56	
New Middle West.							
Wisconsin	71	11	..	60	11	71	
Minnesota	87	47	..	40	47	87	
Iowa	99	93	1	5	73	78	
Total	257	151	1	105	131	236	
West.							
Northwest.							
North Dakota	53	18	..	35	18	53	
South Dakota	68	48	..	20	43	63	
Nebraska	93	82	4	7	31	38	
Montana	55	35	..	20	26	46	
Wyoming	23	22	..	1	17	18	
Idaho	44	34	..	10	30	40	
Total	336	239	4	93	165	258	

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PRESIDENTIAL VOTE—*Continued*

	No. of Counties	Counties carried by			Counties in which		
		Coolidge	Davis	LaFollette	LaFollette 2nd	Davis 3rd	Coolidge 3rd
Southwest.							
Kansas	105	105	..	..	16	16	
Colorado	63	61	1	1	14	13	1
Utah	29	29	..	..	2	2	
Nevada	17	9	1	7	9	15	1
Arizona	14	10	4	..	4	4	
New Mexico	31	21	10				
Total	259	235	16	8	45	50	2
Coast.							
California	58	44	..	14	43	57	
Washington	39	34	..	5	32	37	
Oregon	36	36	..	..	11	11	
Total	133	114	..	19	86	105	
Border.							
Delaware	3	2	1				
Maryland	24	12	12				
West Virginia	55	32	23				
Kentucky	120	54	66	..	2	2	
Tennessee	95	40	55	..	1	..	1
Missouri	116	67	49				
Oklahoma	77	27	50	..	1		1
Total	490	234	256	..	4	2	2
South.							
Virginia	123	13	110	..	1	..	1
North Carolina	100	21	79				
South Carolina	46	..	46	..	10	..	10
Georgia	160	5	155	..	35	..	35
Florida	63	3	60	..	2	..	2
Alabama	67	7	60	..	7	..	7
Mississippi	82	..	82	..	8	..	8
Louisiana	64	1	63	..	1	..	1
Arkansas	75	2	73	..	3	..	3
Texas	240	9	231	..	1	..	1
Total	1020	61	959	..	68	..	68
Total	3077	1573	1278	226	566	719	72

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LaFollette's Eastern vote has special bearing upon prospects of labor politics. Wisconsin aside, the Senator carried only one county —Clinton, in south-central Illinois—east of the Mississippi River. He ran second, however, in 25 counties in Illinois, in 20 in Michigan, in 10 in Ohio, in 9 in Pennsylvania, in 2 in New York and in 1 in New Jersey. The location of these counties is suggestive. Most of the number in Illinois and in Michigan clustered near the Wisconsin boundaries—across the whole northern part of Illinois with the exception of Cook and Lee counties, and in the upper peninsula of Michigan. A second striking concentration followed the intensively industrial belt along the shore of Lake Erie, from Wayne County, Michigan (containing the City of Detroit) to Chautauqua County in New York. The pivot of this area was Cleveland, which indeed LaFollette actually carried in what was his outstanding urban victory. A third area centered around Allegheny County in Pennsylvania and embraced much of the manufacturing district about Pittsburgh. Minor areas of interest were Hamilton County in Ohio, containing the City of Cincinnati, and the two counties just across the Ohio River in Kentucky; Monroe County in New York, with the important City of Rochester; and Passaic County, a textile region in New Jersey. In nearly every one of these areas some influence had been at work in advance of the campaign, preparing at least the raw materials of organization, like the longstanding movements of social reform and labor leadership in Cleveland, the constant efforts at organization on the part of the Farmer Labor Party in northern Illinois for over five years, the unusually strong interest of the Pennsylvania State Federation of Labor under Mr. Maurer in politics, and in Rochester the movement which at the same election returned Mr. Jacobstein to Congress with combined Democratic and Socialist endorsement. The spotty character of the LaFollette vote in the East was not accidental.

In the **South,** the counties in which LaFollette ran second lay in the regions where the Republican vote had been relatively weakest. It is significant that they did not include a single county in North Carolina, where labor politics are growing fastest, but did include many counties in South Carolina and Georgia. Horry County, South Carolina, is an example (although an extreme one) of the counties in the South which gave LaFollette second place: Davis, 1346; LaFollette, 3; Coolidge, 1. As regards the Republican vote in the South, a comparison over a period of years indicates that if anything there was a retrogression of strength in 1924.[1]

[1] In the 10 Southern states, only 61 counties were carried by the Republican candidate in 1924, as against 134 in 1920; in four Border states (Ky., Tenn., Mo., Okla.), only 188 in 1924, as against 233 in 1920. In a series of presidential elections, the total number of Republican counties in Ala., Ark., Fla.,

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Congressional Elections.—The widening of the precarious margins by which the Republicans held both houses of Congress was an important concrete consequence of the national elections. **The new Senate** will include 55 Republicans, 40 Democrats, and only one of the two Farmer Labor members. The new Republican equilibrium can be upset only by the deflection of at least eight Republicans. This shift in the center of gravity was accomplished by the victory of F. H. Gillett over Senator Walsh in Massachusetts, of F. M. Sackett over Senator Stanley in Kentucky, of Rice W. Means over Alva B. Adams (made Senator by temporary appointment) in Colorado, of W. B. Pine over former Governor Walton of Oklahoma (Senator Owen having declined to run again), and of Congressman Schall over Senator Johnson (Farmer Labor) in Minnesota. On the other hand, S. G. Bratton, a Democrat, triumphed over Senator Bursum in New Mexico. Furthermore, aside from Senator Magnus Johnson, no losses were incurred by the Republican elements that had been identified with the Farm Bloc and the Progressive Bloc. As far as membership and division of power in the Senate were concerned, the voting in 1924 practically restored the conditions that had prevailed before the congressional elections of 1922. In the **House of Representatives,** the Republican contingent was raised from 225 to 247 and the Democrats reduced from 207 to 183, while the two Farmer Labor members from Minnesota and the single Socialist from Wisconsin were joined by another Farmer Laborite and by Congressman LaGuardia of New York City, hitherto a Republican but now an Independent.

The location of the 32 districts affected is significant. Scarcely any **shifts of party** occurred in the West and Northwest, fluid as that section is supposed to be. The exceptions were a district in Oregon and Nevada (with a congressman-at-large), which became Republican, and a Kansas district, which turned Democratic. More shifts occurred in the so-called Border; three districts in Missouri became Republican, and one Democratic; Oklahoma's 1st district and three in West Virginia—the 2nd, 4th and 5th—likewise turned Republican. Especially interesting, however, were the more numerous shifts which occurred in a belt of country that includes some of the chief urban, industrialized sections of the nation. Pennsylvania led in the number of districts that changed party control—six from Democratic to Republican. New Jersey offered four such shifts. Two districts in Illinois and two in Indiana also became Republican. In Ohio one district was captured by the Republicans, another went Democratic. Several states in this same belt contained single districts which changed

Ga., Ky., La., Miss., Mo., N. C., S. C., Tenn., Tex., and Va. (disregarding Okla., which became a state in the meantime) was as follows: 1900, 256; 1904, 235; 1908, 267; 1916, 189; 1920, 318; 1924, 222.

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party representation: Michigan, Connecticut, New Hampshire. It is interesting to note that 25 of the 32 congressional districts that shifted in 1924 have changed party at least three times since 1912.

The results of **labor's activities** in the Congressional campaign of 1924 are not easily measured. The sixteen standard railroad organizations, through a legislative committee headed by B. M. Jewell (President of the Railway Employees Department of the American Federation of Labor), prepared a list of endorsements which was widely circulated.[1] Of the 16 candidates for the Senate endorsed on the Democratic ticket, 8 were elected; of the 5 on the Republican ticket, all were successful; but the one endorsed on the Farmer Labor ticket was defeated. Of the 218 endorsed for the House on the Democratic ticket, 129 were elected. Of the 44 Republicans favored, 42 were elected. Five candidates endorsed on minor party tickets were elected.[2] A summary made public by the American Federation of Labor after the election indicated that, whereas labor had 63 Republicans, 105 Democrats, and two members of minor parties sitting with its endorsements in the old (68th) Congress, the corresponding numbers in the new Congress would be 40 Republicans, 125 Democrats, and five third party men—the loss of 23 Republicans being offset by the gain of 20 Democrats and three minor party men. Roughly, three-quarters of labor's congressional endorsements in 1924 were given to Democratic candidates.[3] Whereas an estimate of strength in the new

[1] This list became virtually the endorsement list of the Conference for Progressive Political Action. Its state branches, however, made additions and sometimes even substitutions. The California C. P. P. A., for example, added a name to the national list, failed to endorse another found on it, and made different endorsements in two congressional districts. Labor's endorsements were further complicated by the fact that the American Federation of Labor had its own list, which in turn was modified by the discretion left to state and local federations. Unlike that of the Brotherhoods, the A. F. of L. list is not available in compiled form, on the ground that "if such a list is given out individually certain interests will begin to harass those members of Congress whom labor supported."

[2] In all, 25 candidates were endorsed by the Brotherhoods as third party men or as independents: 9 as Farmer Laborites in Minn., 3 being elected; 6 as Independents, 1 being elected in N. Y.; 5 as Socialists, 1 being elected from Wisconsin; 3 as Independent Progressives; 1 as Labor; 1 as a Prohibition candidate.

[3] Many of labor's endorsements were in districts that presented no real contest in the general election. Of the 129 Democrats elected with the endorsement of the Brotherhoods, 80 came from Southern and Border states. In Penn., on the other hand, 15 Democratic candidates were endorsed in addition to 2 Republicans, 2 Socialists, and 1 Laborite; but only the two Republicans (both relatively independent) were successful.

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Congress leaves labor's influence about the same, it is perhaps significant as regards a shift of influence within the parties.

Cutting across labor's economic interests, has been **the issue of prohibition.** The elections seem to have strengthened slightly the "dry" cause in Congress. Of the candidates endorsed by the Anti-Saloon League 320 were elected, a gain of about 15 in the estimated "dry" strength in the House of Representatives. The Association Against the Prohibition Amendment endorsed 174 candidates in 134 districts, and of these 82 were elected; it openly opposed 262 candidates in 222 districts, but of those opposed only 43 failed of election. In the 33 United States senatorial elections the anti-prohibition elements endorsed six candidates in 5 states—Massachusetts, Kentucky, Illinois, Delaware, and New Jersey—but only one, Senator Edge of New Jersey, was elected and he ran against an opponent who also had "wet" endorsement. On the other hand, 22 candidates were listed for defeat by the opponents of prohibition in 17 states but "drys" were elected in all these states. The "dry" strength in the Senate is estimated to comprise about 72 senators.

State elections.[1]—Governors were elected in 1924 in thirty-six states.[2] The losses ran in general against the Democrats, five states (Rhode Island, New Hampshire, Kansas, Nebraska and Colorado) going from Democratic to Republican; only two (Mont. and Utah) changing to Democratic. As a result of the net change of three, the state governorships in all states were evenly divided between the major parties. Special interest attaches to the six instances where the choice of governor was the opposite of the electoral vote of the state. In New

[1] For the constitutional amendments and other measures voted on in 1924, see p. 80 and the tables, pp. 84-99.

[2] Unusual interest has attended the election of women for the first time as governors in two states. Mrs. Miriam Ferguson, whose husband had been removed from the executive mansion by impeachment several years before, was chosen as Democratic governor of Texas, and Mrs. Nellie G. Ross was elected Democratic governor of Wyoming to fill the vacancy caused by the death of her husband on October 2, 1924. Mrs. Ferguson, drawing the old personal following of her husband (himself barred from holding state office), ran second to the Klan-supported candidate in the original Democratic primary, with nine candidates on the ballot. In the "run off" primary the Anti-Klan sentiment largely consolidated on Mrs. Ferguson. She narrowly defeated her Republican opponent in the general election.

The number of women who were candidates for other than merely local offices seems to have been about the same as in 1922. A woman was elected secretary of state in New York and women were reelected as state superintendents of education in North Dakota and Colorado. In addition, at least 128 women were elected to state legislatures—nine as senators, and 119 as members of the lower house—as against five state senators and 79 members of the house—a total of 84—chosen in 1922.

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York, Ohio, Wyoming, and Arizona the Democrats held the governorship in the face of a Coolidge victory. Spectacular as was the triumph of Governor Smith (while all other Democratic candidates for state offices failed of election) in winning over his Republican opponent by 108,561 when Coolidge led Davis by 869,262, it was matched by the achievement of Governor Vic Donahey in carrying Ohio by over 175,000 in the face of Coolidge's margin of 698,242. In Montana the Democrats even displaced Mr. Dixon, the Republican governor, although failing to get the electoral vote. Mr. Dixon had excited business opposition on account of his mine-taxation policies, and the criss-crossing of the voting here was probably as much an illustration of the variations within a national party from state to state as it was an evidence of a tendency to separate national and state issues. In Utah, also, G. H. Dern (the second non-Mormon, Democratic governor in the history of the state) defeated his Republican predecessor by 81,308 to 72,127, although all the minor state offices continued Republican and Coolidge's vote about equalled the combined support of Davis and LaFollette.

CONGRESS.—The **first session of the Sixty-eighth Congress** came after a recess of nine months. Not since 1915 had the country and Congress enjoyed such a lengthy holiday. The important matters to be dealt with were appropriations, tax reduction, the bonus, agricultural relief, railroad legislation and immigration. The leisurely intention of the congressional system is that an executive shall take office in March and shall have a breathing spell until the following December. Mr. Coolidge, however, succeeded to the presidency on Mr. Harding's death in August and less than four months later met his Congress.[1]

It was a Congress in which the Republicans had nominal but not real majorities. Fifty-one senators were Republicans. There were forty-three Democrats and two Farmer Laborites but among the Republicans were LaFollette, Norris, Ladd, Brookhart and Frazier. These five could give the opposition fifty votes to forty-six Republican votes. In the House of Representatives the balance of parties was: Republicans, 225; Democrats, 205; Farmer Labor, 2; Socialist, 1. A

[1] Following the death of President Harding, Mr. Coolidge announced on Aug. 14 that he would continue with the late president's policies. No changes in cabinet personnel were made until after the congressional investigations had begun (*cf.* p. 62). Then, reluctantly in the face of resolutions of Congress, Mr. Coolidge accepted the resignation of Secretary of Navy Denby and requested that of Attorney General Daugherty, replacing them by Curtis Wilbur and Harlan F. Stone. Later in the year the death of Secretary of Agriculture Wallace created a vacancy which was temporarily filled by the appointment of Howard M. Gore, already acting secretary during the illness of his chief and Governor-elect of West Virginia.

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progressive insurgent group headed by Representative John M. Nelson of Wisconsin numbered about 17 and was capable of reducing the nominal Republican strength to 208. Thus the balance of power in the Congress was held by a score of men and they used their strategic position in organizing the Senate, in forcing changes in the House rules, and in mutilating the Mellon Tax Plan. The agricultural bloc, however, was not so effective as in previous congresses. The Norbeck-Burtness Bill to loan fifty-eight million dollars to spring-wheat farmers to enable them to abandon the one-crop system was beaten in the Senate (March 13) 32 to 41, even though it had the backing of the White House. Other pending agricultural measures were the McNary-Haugen Bill to permit equality between agricultural commodities and other commodities through the creation of an agricultural export corporation capitalized at two hundred million dollars (defeated in the House, June 3, 154 to 224); and the Norris-Sinclair Bill to provide for the purchase and sale of farm products (reported by the Senate Committee on March 24 but not considered).[1]

The Congress assembled at noon on Dec. 3, 1923, but the House of Representatives failed to elect a Speaker until Dec. 5. The delay was due to an insurgent movement against readopting the rules of the Sixty-seventh Congress (*cf.* p. 66). President Coolidge's first message was not delivered until Dec. 6. In the Senate a fight developed over whether Senator Cummins, the president pro tempore, should also retain his place as chairman of the Committee on Interstate Commerce. The other committee assignments were agreed to Dec. 10 but the Interstate Commerce chairmanship was not settled until Jan. 9 when a combination of Democrats and progressive Republicans named as chairman the ranking minority member of the Committee (Senator Ellison D. Smith of South Carolina).

The **President's message** was delivered to Congress in person. It dealt briefly with foreign affairs—the repayment of loans by foreign governments, the recognition of Russia, and the World Court—and

[1] The sale of Muscle Shoals to Henry Ford was approved by the House on March 10 but a substitute measure was reported to the Senate on June 2 and failed of passage. On June 4 unanimous consent was given to taking the bill up at the short session of Congress on Dec. 3 and to keep it before the Senate as unfinished business until disposed of.

On Jan. 23 the President addressed a special message to Congress suggesting certain measures for agricultural relief. These included financial assistance through a federal agency to enable wheat farmers to change from the single crop system; restoration of impaired capital of banking institutions in the depressed areas; and creation of a corporation to assist in agricultural financing. None of these measures was successful. Later an agricultural commission was appointed to investigate but its report could not be presented until the short session was well under way.

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made a number of specific recommendations in respect of domestic policy. These included: (1) tax reduction; (2) continuation of restricted immigration; (3) continued operation of the government owned merchant fleet pending the development of new plans by the Shipping Board; (4) the sale of Muscle Shoals; (5) relief for coal users; (6) reorganization of freight rates; (7) increased use of waterways and their development for commercial and power purposes; (8) an agricultural program to provide assistance in financing exports of farm products; (9) relief for water users on government reclamation projects; (10) liberal treatment for war veterans in respect of hospital care, rehabilitation, and vocational training. There was no recommendation of a bonus.

The most important legislation of the session was the so-called **Mellon tax plan.** The proposals of the Secretary of the Treasury submitted on Dec. 17 were directed towards extensive reductions but were criticized because these reductions applied principally to the higher brackets and there was not comparable relief for lower incomes.[1] There were prolonged hearings on the measure, which was not introduced in the House until Feb. 7. It was reported from committee

[1] Mr. Mellon's proposals in detail were as follows: (1) A credit of 25% on earned income, defined as wages, salaries and professional fees. (2) Reduction of normal tax on first $4,000 of net income to 3% and upon remainder to 6% instead of present rates of 4% and 8%. (3) Surtax rates beginning at 1% on $10,000 to $12,000 with an additional 1% on each $2,000 up to $36,000, then 1% additional for the next $4,000 up to $40,000, an additional 1% for each $6,000, up to a total of 25% at $100,000 and over. (4) Capital assets would be defined as property held by the taxpayer for profit or investment for more than two years. Upon the sale of capital assets the tax on the gain is limited to 12½%; the amount to which the tax is reduced on account of such a loss would be limited to 12½% of the loss. (5) A deduction from gross income would be allowed on interest on indebtedness and losses of a non-business character to the extent that the sum of these two items may exceed wholly tax-exempt interest. (6) Income from community property would be taxed to the spouse having control of the property. (7) The principles contained in the Act of 1918 that liquidating dividends constitute a sale of stock instead of a distribution of earnings would be restored, thus bringing such dividends within the section dealing with capital gains. (8) Discovery depletion would be limited to 50% of the property depleted. (This provision has to do with mines, oil wells etc.) (9) In the case of trusts, where the trustee has discretion to distribute income the beneficiary would be taxed where distribution is made and the trustee in cases where there is no distribution. Where a grantor of a trust reserves the right to change the trust in favor of himself the income would be taxed to the grantor. (10) Taxes on admissions, telegrams, telephones, leased wires and radio would be repealed. Administrative sections of the present law would be rewritten as also sections dealing with reorganization of corporations. A board of tax appeals would also be created which would sit locally in the various judicial circuits throughout the country.

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on Feb. 11, passed the House on Feb. 29, reported to the Senate on April 10, passed the Senate on May 10. The conferees required a fortnight for their work and the President signed the bill on June 2.[1]

Charges of scandals in connection with the oil leases and of maladministration in the Veterans Bureau and the Department of Justice were responsible for **congressional investigations** which took up much of the time of Congress and delayed legislation. In April seven special Senate committees were investigating the Department of Justice, the indictment of Senator Wheeler of Montana, the Internal Revenue Bureau of the Treasury Department, alleged propaganda in behalf of the Mellon tax plan, the World Court, and the Bok prize peace plan, land frauds in Rio Grande County, "medical diploma mills," and the Veterans Bureau. Regular Senate committees or sub-committees were investigating the naval oil leases, the right of Senator Mayfield of Texas to his seat, the American activities of the Soviet government and the sale of fur sealskins by the government. In the House of Representatives special committees were investigating the operations of the army air service, the Shipping Board, charges of duplication of securities in the Bureau of Engraving and Printing, and charges that two members of Congress had accepted bribes. The regular committee on expenditures in the Department of Agriculture investigated charges of maladministration of the Stockyards Control Act.

President Coolidge was not sympathetic toward these congressional investigations of executive departments but it seemed to be realized in Congress that the only control which the legislature might exercise over the executive was through hearings before committees. They are the only American counterpart for the practice of questions and interpellations in foreign political systems. The congressional check, however, suffers from the fact that it is usually *ex post facto*; the investigations do not take place until maladministration is actually complained of. In parliamentary systems there can be more daily supervision of the executive so that evils are made less probable.[2]

[1] As passed there is a rate of 2% on the first $4000 of taxable income and 4% on the next $4000. The full normal rate of 6% applies to amounts over $8000. The surtaxes begin at 1% on net income in excess of $10,000 and increase by 1% for each $2000 of net income to the $100,000 bracket for which the rate is 36% on net income in excess of that amount. On amounts over $500,000 40% is assessed. A reduction of 25% was allowed on individual income taxes for 1923. A number of administrative changes were made in the law. The one which came in for the greatest amount of public attention was the section opening income-tax returns to public inspection under rules prescribed by the Secretary of the Treasury. This resulted, just before the election, in the publication in the newspapers of long lists of names and the respective taxes paid.

[2] On the value of the investigating activities of congressional committees see Felix Frankfurter, "Hands off the Investigations", *The New Republic*, May 21, 1924.

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The **budget** for the fiscal year ending June 30, 1925 as submitted to Congress by the President estimated expenditures of $3,298,080,444 and receipts of $3,693,762,078—an indicated surplus of $395,681,634. These estimates represented a reduction of $266,957,644 from the expenditures for the year ending June 30, 1924. The budget proposals were pared by Congress and eight appropriation acts passed as follows: Interior Department ($263,250,455); Treasury and Post Office ($120,768,405 for the Treasury and $613,645,195 for the Post Office); Navy Department ($275,105,067); Agriculture ($58,575,274); War Department ($327,970,465, of which only $72,000,000 was for non-military activities); executive and independent offices ($398,776,740); State, Justice, Commerce and Labor ($15,001,646 for the State Department, $21,371,430 for the Department of Justice, $23,939,905 for Commerce, $7,956,000 for the Department of Labor); Legislative ($14,229,016). In addition there were two deficiency bills, one carrying $156,671,655 and the other for urgent deficiencies, including Senate investigations ($100,000), carrying $2,333,000. There was also a joint resolution making a special appropriation of $1,500,000 for the eradication of foot-and-mouth disease. An urgent deficiency bill carrying $132,000,000 for the payment of the soldiers' bonus and $16,000,000 to refund the twenty-five per cent due all those who paid all their 1923 income taxes in March 1924 failed to pass in the final legislative jam.

Other **proposed legislation** that failed in the last moment of the session at various stages, even after having been sent to conference, included: the naval increase bill carrying an appropriation of $111,000,000; the Muscle Shoals bill and reclamation relief bill; a bill for the general reorganization of the executive departments of the government; a bill appropriating $165,000,000 for the aid of good roads; a number of farm relief measures; and two bills which had passed both houses but were vetoed by the President—the Bursum pension bill and the postal pay increase bill. A $30,000,000 appropriation for rivers and harbors also failed. There were three filibustering speeches on the last day of the session.

During the congressional session 290 public **laws** were put on the statute books. Only one of these—the bonus bill—was passed over the President's veto. During the session 37 public resolutions received presidential approval. Many of the laws passed of course were of purely local importance. Congress enacted 87 bridge bills; there were 48 measures of no great significance relating to Indian affairs and Indian lands; 17 statutes dealt with the conveyance, sale or transfer of public lands; nine memorials and monuments were authorized. Six laws applied to military property and 14 laws to military and naval affairs, such as the inspection of battlefields, the construction of water mains and the issue of service medals. Congress passed 10 laws for the aid of veterans of the War and 7 laws for the benefit of territories

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and insular possessions. The District of Columbia required 17 statutes mostly for petty purposes such as the widening of streets and the practice of optometry. The President vetoed only three bills: the bonus bill (repassed over his veto); the Bursum pension bill (veto sustained in the Senate) and the Edge bill for the increase of the salaries of postal employees (postponed until the next congressional session).

According to figures presented to the House by Mr. Longworth on June 7, during the session (of 142 days) 10481 bills were introduced in the House as compared with 9775 for the first session of the 67th Congress, 11419 for the first session of the 66th Congress, and 6873 for the first session of the 65th Congress.[1] The 290 bills which became law (*cf.* p. 63) compared with 108 in the first session of the 67th Congress, 93 in the first session of the 66th Congress, and 91 in the first session of the 65th Congress. When the public resolutions and private laws are added there is a grand total for the first session of the 68th Congress of 393, compared with 152 for the first session of the 67th Congress, 121 for the first session of the 66th Congress, and 109 for the first session of the 65th Congress. During the session 632 public bills and 297 private bills were reported to the House. These figures were in excess of those for the preceding Congresses. 590 bills were acted upon by the House either favorably or unfavorably as against only 293 for the first session of the 66th and 101 for the first session of the 65th. Excluding 135 resolutions passed by the House more than 4 bills per day were considered and acted upon.

When the session began the **Senate Committee on Foreign Relations** had not yet considered the message sent to the Senate on February 24, 1923 by President Harding recommending senatorial ratification of the World Court proposal. Nothing was done during the session except that on April 18 the Senate Committee designated a subcommittee to conduct hearings on the World Court proposal and on May 27 the full committee reported the so-called Pepper Resolution designed to separate the World Court from the League. The State Department gave its unofficial blessing to the Dawes Commission (*cf.*, p. 30)—"unofficial Americans sent on an official mission to consider official matters without official instructions but with unofficial suggestions." During the session six **treaties** were ratified between the United States and Great Britain, Germany, Sweden, Norway, Denmark and Italy to aid in the prevention of smuggling intoxicating liquors into the United States. The most important legislation in respect of foreign affairs was the **Rogers bill** which received presidential approval on May 24. It authorizes the reorganization and improve-

[1] In the Senate there were introduced 258 Senate resolutions, 167 joint and concurrent resolutions, and 3492 bills.

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ment of the foreign service and combines the diplomatic and consular services in a single branch. It makes possible a number of administrative changes. The death of Senator Henry Cabot Lodge on November 9 made it certain that at the next session of Congress the Chairman of the Senate Committee on Foreign Relations would be Senator Borah. This change was not without importance in the relations between the State Department and the Senate in respect of foreign relations.

The **Immigration Act** fixing the quota at 2% of the number of foreign-born individuals in the United States as determined by the 1890 (instead of the 1910) census (approved May 26) rescinded the "Gentleman's Agreement" and excluded all Japanese, thereby offending Japan. President Coolidge protested against this action but did not fight for the amendment of the law.[1]

Some progress was made with settlement of the **debts** owed the United States by foreign governments. On March 12 the President approved an act to authorize the funding of the Finnish debt and on May 23 a similar measure for the settlement of the Hungarian debt. The World War Foreign Debt Commission in March held conferences with a mission from Yugoslavia to consider the Yugoslav debt but no definite arrangement was arrived at (*cf.* p. 34).

No legislation respecting reapportionment of representatives under the 1920 census was passed. A bill to increase the number of representatives from 435 to 483 was reported to the House in January 1921 but was amended to retain the present number. This would mean a reduction in the representation of eleven states. The bill was not considered in the Senate and went over into the Sixty-seventh Congress. At the first session of the Sixty-seventh Congress a bill was reported but recommitted to the Committee. On March 8, 1924 the Committee on the Census of the House met and determined that it would not report out an apportionment bill at that session of Congress.[2]

A joint resolution submitting to the states a **constitutional amendment** giving Congress authority to limit, regulate and prohibit the labor of persons under eighteen years of age passed the House on April 26 and the Senate on June 2. By the close of 1924 its rejection at least for the present seemed sure (*cf.* p. 100). A referendum in Massachusetts on Nov. 4 was overwhelmingly against ratification. On Feb. 8 the House of Representatives failed by seven votes to approve the proposed amendment to stop the issue of tax-exempt securities. The Senate

[1] See R. L. Buell, *Japanese Immigration* (World Peace Foundation, 1924) and J. B. Trevor, "An Analysis of the American Immigration Act of 1924," *International Conciliation,* September, 1924. *Cf.* p. 28.

[2] See *Congressional Record,* March 14, p. 4323.

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on March 18 passed a joint resolution proposing a constitutional amendment changing the terms of the President and Vice President and eliminating the "lame duck" (short) session of Congress. On March 26 the Senate returned to the Committee a proposed amendment to the amending clause of the constitution.

At the opening of the first session of the 68th Congress objections were made to readopting the old **Rules of the House of Representatives.** Insurgent members joined with the Democrats, and threatened to delay the reelection of Mr. Gillett as Speaker, and the organization of the House of Representatives. The movement in a sense resembled, although it was less violent than, the agitation which resulted in the overthrow of Speaker Cannon and the revision of the Rules in 1910. It was agreed finally that if the Insurgents gave way and permitted the organization of the House, the Rules of the 67th Congress should be adopted for thirty legislative days only, and that on Jan. 14, the House would be given an opportunity to consider the revision of its rules, to offer amendments, and to have record votes.

There were three main grounds of objection to the old Rules. It was desired, first, to enlarge the Rules Committee, and to give representation to the Insurgents, so that the control of the House would not be so concentrated in the hands of a few party leaders.[1] The second objection was that under the Rules of the House, even when the Rules Committee decided upon a report, the Chairman could hold it up and defer its presentation so long as he saw fit. In the third place, it was urged that the House was entitled to get control over its own business if it desired; that if a majority of the House wished to consider certain legislation, it should be permitted to do so, even though the committee having the legislation in charge was unwilling to report it. These objections were given specific point by the fact that at the last session of the previous Congress the leadership of Mr. Mondell, the Floor Leader, and of Mr. Campbell, Chairman of the Committee on Rules, had been considered as dictatorial. This leadership was not made more palatable by the fact that both Mr. Mondell and Mr. Campbell had failed of reelection to the new Congress.[2] They therefore told the House what it might do and might not do for four months after they had been repudiated at the polls. There were specific grievances also on account of Mr. Campbell's activity, or rather inactivity, as Chairman of the Committee on Rules. The Woodruff-Johnson Resolution ordering the investigation of the Department of Justice was presented to the House

[1] On who controls the House of Representatives since the dethronement of the Speaker, see G. R. Brown, *The Leadership of Congress,* chs. ix and xii (1922).

[2] Mr. Mondell had run for the Senate and had been defeated.

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on April 11, 1922, and was ordered reported by the Committee on Rules on May 3. Mr. Campbell refused, however, to present it. He carried it around in his pocket for two weeks until there was another meeting of the committee at which its favorable action was rescinded. On May 26 the House decided that Representative Johnson could not, under the Rules, get the matter away from the Rules Committee. Similarly at this fourth session of the 67th Congress, a number of resolutions ordering investigations were permitted to slumber in the Rules Committee. No less than thirty-three investigations were asked for. Most of them were unimportant, but in two cases it is probable that a majority of the House did desire inquiries into the removal of employees in the Bureau of Printing and Engraving and the administration of the War Veterans Bureau (later undertaken by the Senate). Under the Rules of the House there was no way of discharging the Rules Committee from the consideration of these resolutions.

Twenty-two proposed changes in the Rules were presented to the House on Jan. 14, 1924. Most of them related to formal matters, changes in the number of members of committees, and the creation of new committees. The most vigorously fought change was in respect of the discharge of committees. In 1910 a discharge rule had been provided but it was unworkable and was never used. The new provision is that when a committee has had a bill or resolution for thirty days without reporting it, a member may present to the Clerk a motion in writing for the committee's discharge. When this motion is signed by 150 members, it shall be printed on the "Calendar of Motions to Discharge Committees." After such a motion has been on the calendar for seven days, it may be called up by the member on the first and third Mondays of the month, "and the House shall proceed to its consideration in the manner herein provided without intervening motion, except one motion to adjourn." Twenty minutes debate are allowed, one-half in favor and one-half in opposition. If the motion to discharge prevails, "it shall then be in order for any member who signed the motion to move that the House proceed to the immediate consideration of such bill or resolution (such motion not being debatable) and such motion is hereby made of high privilege; and if it shall be decided in the affirmative, the bill shall be immediately considered under the general rules of the House. Should the House by vote decide against the immediate consideration of such bill or resolution, it shall be referred to its proper calendar and be entitled to the same rights and privileges that it would have had had the committee to whom it was referred duly reported same to the House for its consideration." (Rule XXVII, Clause 4.) [1]

[1] *House Manual and Digest* (68th Cong. 1st sess. House Doc. 100), sec. 884 A.

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The second important change[1] was with respect to reports from the Committee on Rules. Clause 56 of Rule XI now provides that: "The Committee on Rules shall present to the House, reports concerning rules, joint rules, and order of business within three legislative days of the time when ordered reported by the Committee. If such rule or order is not considered immediately, it shall be referred to the calendar and if not called up by the member making the report within nine days thereafter, any member designated by the Committee may call it up for consideration." This change, it was thought, would prevent pocket vetoes like those of the preceding session.

One phase of congressional procedure which has not received the attention that it merits is the increasing activity of the Rules Committee in reporting special orders for the consideration of legislation. The Rules Committee began reporting special orders with the speaker-

The only case during the first session of the 68th Congress in which this rule was invoked was the following: On April 5, 1924, a petition signed by a sufficient number of members was presented in support of a motion to discharge the Committee on Interstate and Foreign Commerce from the consideration of H. R. 7358: "A bill to provide for the expeditious and prompt settlement, mediation, solution and arbitration of disputes between carriers and their employees or subordinate officials and for other purposes." The bill had been referred to the Committee on Feb. 28, 1924 (*Congressional Record*, p. 6862). The motion to discharge came before the House on May 5, 1924 and was agreed to by a vote of 194 to 181 (p. 7874), but on May 19 the measure was killed by striking out the enacting clause (p. 8939).

[1] A third change of some importance was not recommended by the Committee on Rules, but was offered directly from the floor by Mr. Garrett, the Minority Leader. It was to strike out Clause 3 of Rule XXI, which read as follows: "No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such a bill be in order which does not directly relate to the item to which the amendment is proposed." This Rule had been in force since 1911. It was adopted then by a Democratic Congress at the instance of Mr. Underwood in order to prevent amendments to the Tariff Bill, and to facilitate the passage of the so-called "pop-gun" tariff bills applying to single schedules. The rulings of successive presiding officers so enlarged the scope of the provision that virtually any amendment of a tax or tariff bill was prohibited on the floor of the House. (For a special device to prevent amendments to the Fordney-McCumber Tariff Bill, see *American Political Science Review*, vol. XVI, p. 51.) There was little objection to the repeal of the rule and in the consideration of the Mellon Tax Plan it was discovered that the change made no material difference. One purpose of Mr. Garrett's motion was to permit the excess profits tax to be offered as an amendment to the Mellon Tax Bill and to secure a record vote upon it. But the tax bill as passed by the House was in exactly the form that it would have had if the Garrett amendment to the Rules had not been adopted.

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ship of Mr. Crisp in the Fifty-second Congress. It was in part an attempt to prevent filibustering which had been freely indulged in the previous Congresses. The special orders which could be reported by the Rules Committee at any time limited both amendments and debate and made it certain that the House would take action at a time and in a way determined upon by the leaders.[1]

Increasing use has been made of special orders. At the first session (special) of the Sixty-third Congress (April 7 to December 1, 1913) only six special orders were reported and four of these applied to appropriation bills. This, it will be recalled, was the session when the new Democratic administration (making full use of the caucus) was passing its currency, trust and tariff legislation. These six special orders were hardly in excess of the number at the first session of the Sixty-first Congress (March 15 to August 5, 1909). Then the Census Bill, the Tariff Bill, the report on the Tariff Bill, and an amendment to the urgent deficiency bill were the only matters on which the Committee on Rules proposed to suspend the general procedure of the House. By the Sixty-seventh Congress, however, the great bulk of the important business was regulated by special orders[2] imposing a rigorous form of clôture. Frequently the special

[1] For cases of filibustering and the early form of special orders see Charles R. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon*, pp. 35-70. (New York, 1911.) For more recent forms of special orders see *American Political Science Review*, vol. XV, pp. 79, 375; vol. XVI, p. 49; vol. XVIII, p. 94.

[2] At the second session of the 67th Congress (December 5th, 1921 to September 22d, 1922) the Committee on Rules of the House of Representatives brought in special orders for the consideration of twenty-nine matters. House Bills included such legislation as the Anti-Lynching Bill, the Amendment of the Interstate Commerce Act, the Amendment of the War Risk Insurance Act, the appointment of additional Circuit Court and District Judges, appropriations for Russian relief, Amendment of the War Housing Act of May 16, 1918, Amendment of the Jones Law for the government of the Phillipine Islands, the use of the mails and interstate commerce for the sale of securities contrary to State laws, the Rivers and Harbors Bill, adjusted compensation for war veterans, the pay of the Army and Navy, the retirement of employees in the Civil Service, the scrapping of vessels in accordance with the Washington Treaties, trading in grain futures, citizenship of married women, additional compensation for certain civilian employees, and dealing with the fuel emergency by expanding the powers of the Interstate Commerce Commission and creating the post of Federal Fuel Distributor. The Senate Bills for which the Committee reported special orders related to Amendments of the Interstate Commerce Act, Amendments of the Federal Reserve Act, the extension of the powers of the War Finance Corporation, appropriations for relief in the crop failure areas, the creation of two new positions in the Department of Labor and the continuation of the Land Offices. Two joint resolutions for which

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orders were presented without any notice and there was thus raised in an acute form a question which is difficult in any legislative assembly: how to square the necessity for certainty and a time table in legislative business with due notice to members and freedom of discussion. The matter is, of course, more acute in the American Congress because there is no centralized authority over legislative business such as is found in a cabinet form of government. The only change in this respect made by the House of Representatives in its revision of the rules was to require that a special order shall lie over one day unless authorized to be immediately considered by a two-thirds vote.[1]

there were special orders authorized the purchase of land for cemeteries in Europe, and favored the establishment in Palestine of a national home for Jewish people.

At the fourth (short) session of the 67th Congress, the Committee on Rules reported twelve special orders. These covered certain provisions of the Naval Appropriation Bill relating to the procurement of aircraft, the protection of migratory birds, the appraisal of tribal property of Indians, the Rogers Bill for the reorganization of the Foreign Service, Amendment of the Federal Farm Loan Act, Amendment of the Trading with the Enemy Act. The Committee reported special orders for the following Senate Bills: the erection of buildings for the National Leper Home, the transfer of vessels from the Navy to the Coast Guard, the issuance of exploration permits in Oklahoma, and additional credit facilities for agricultural and livestock industries. There was a special order also on the House resolution proposing an Amendment to the Constitution permitting the taxation of Federal and State securities, and on the Senate Resolution authorizing the President to require the Sugar Equalization Board to take over sugar imported from the Argentine Republic.

At the first session of the 68th Congress (Dec. 3, 1923 to June 7, 1925) the Committee on Rules reported nineteen special orders. House Bills: selling Muscle Shoals to Henry Ford, appointing two additional District Judges for the Southern District of New York, for the purchase of the Cape Cod Canal property, for the provision of additional hospital facilities, amending the Vocational Rehabilitation Act, amending the Classification Act of 1923, amending the act providing compensation for injured Federal employees, extending the District of Columbia Rent Law, limiting immigration into the United States, fixing the pay of employees in the Government Printing Office, creating an Inland Waterways Corporation, amending the National Banking Act, declaring an emergency in respect of certain agricultural commodities.

There was a special order for the Senate Bill authorizing the deferring of payment of reclamation charges, and on the House Resolution proposing the Tax Exempt Security Amendment (which at this session failed of passage), and on the House Resolution proposing the Child Labor Amendment. There was also a special order for the Senate Resolution for the relief of the drought-stricken farm areas of New Mexico.

[1] For a criticism of reports of special orders by the Rules Committee without adequate notice see Robert Luce, *Legislative Procedure*, p. 202 (Boston, 1922).

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THE WORK OF THE SUPREME COURT.[1]—A somewhat casual count of the decisions handed down by the United States Supreme Court during the term beginning in October, 1923, and ending in June, 1924, shows 215 cases in which opinions were written. This represents by no means the full work of the court, since not a little of its time is devoted to motions and to cases decided without opinion. Of the opinions of the court, Chief Justice Taft wrote 35, Mr. Justice Holmes 27, Justices Brandeis, Sutherland and Butler 25 each, Justices Van Devanter and Sanford 20 each, Mr. Justice McReynolds 18, Mr. Justice McKenna 17, and there were in addition 3 *per curiam* opinions and a number of concurring and dissenting opinions.

Dissent was not rampant during the term. This was doubtless due in considerable measure to the fact that few of the cases involved what could be regarded as a burning issue. It was on the whole a tame term. Perhaps also the fires of political agitation over the widely unwelcome decision in the Minimum Wage Case the year before and over the possibility of having important social and economic programs frustrated by the judgment of a bare majority of the court may have melted the judicial disposition to disagree and thus have induced a greater spirit of concord among the judges. Controversy over the court waxed hot during the presidential campaign and much foolishness was uttered on both sides. Obviously the proposal to allow Congress to repass all statutes annulled by the Supreme Court would mean the end of the federal system as we have heretofore known it. On the other hand there is nothing unusual in requiring extraordinary majorities to take extraordinary action, and it seems likely that liberty would not die if it took two-thirds of the Supreme Court to declare a statute invalid. The fact that disagreement among judges is now and then possible is an indication that the process of judicial interpretation and application of the Constitution is neither the expertly mechanical nor the divinely inspired enterprise that some exhortations would lead us to assume.

During the term under review there were only five cases in which as many as three judges dissented. Justices McKenna, McReynolds

[1] It has been thought best to confine this record to the work of the Supreme Court during the term completed in June, 1924, since it is believed that a more satisfactory unit is found in a single term of court than in any given calendar year. It is not often that many important decisions are handed down from October to January and the few that may come from the court may not be readily available when the record has to be prepared.

The character of the review here given is largely determined by the fact that the current March issue of the QUARTERLY contains a summary of the more important constitutional cases on the federal system during the past two terms of court and a later issue will offer a similar summary of the cases on the constitutional immunities in favor of individual liberty and property.

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and Butler thought that their colleagues went too far in approving of a state compensation award for the death of an employee killed in an automobile in which he was riding on his way to work.[1] Justices McKenna, Van Devanter and Butler would have held the Sherman Law applicable to a strike in a manufacturing plant, but the others thought that the resulting effect on interstate commerce was too remote and indirect to warrant the assumption that Congress intended the Sherman Act to apply.[2] Chief Justice Taft and Justices Van Devanter and Butler thought that a state statute forbidding branch banks could not apply to a national bank, since they regarded this as an interference with the exercise of the corporate power conferred by Congress, whereas the majority thought that no powers granted by Congress were interfered with.[3] In *The Chicago Junction Case*[4] the majority applied the Transportation Act to set aside an order of the Interstate Commerce Commission permitting the New York Central to acquire control of certain terminal railroads in Chicago previously operated as independent lines. The dissent of Justices McReynolds, Sutherland and Sanford was confined to the technical point that the complaining competing carriers had not the requisite interest to initiate the protest founded on the absence of evidence before the Commission to support its finding that the acquisition by the New York Central was in the public interest. *Pennsylvania v. West Virginia*[5] reaffirmed after a rehearing a decision of the previous term that a state with natural gas may not prefer consumers within its borders to consumers outside. Justices Holmes, McReynolds and Brandeis reiterated their disagreement.

There were twelve cases in which two judges dissented. In four of them Justices McReynolds and Brandeis thought that no justiciable question was presented by a suit against a state prosecuting officer to restrain him from the enforcement of anti-alien land laws against the execution of agreements evidently entered into for the purpose of securing the adjudication sought.[6] The majority found the requisite grounds for equitable jurisdiction and held that the assertion of the contention that the statutes are unconstitutional gives jurisdiction to the federal courts. The dissenters thought that the cases should not be heard at all and therefore did not express themselves with regard

[1] *Cudahy Packing Co. v. Parramore* (1923) 263 U. S. 418, 44 Sup. Ct. 153.

[2] *United Leather Workers v. Herkert Trunk Co.* (1924) 265 U. S. 457, 44 Sup. Ct. 623.

[3] *First National Bank v. Missouri* (1924) 263 U. S. 640, 44 Sup. Ct. 213.

[4] (1924) 264 U. S. 246, 44 Sup. Ct. 317.

[5] (1923) 263 U. S. 350, 44 Sup. Ct. 123.

[6] Cases in notes 2, 3 and 4, page 76 *infra*.

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to the holding that the alien-land laws violate neither the Fourteenth Amendment nor any treaty rights of aliens. The difference of opinion in *Brooks-Scanlon Corporation v. United States*[1] was in substance whether the United States had requisitioned a contract to complete a ship so as to be liable to the contractor for the value of his contract under principles of eminent domain or whether it had merely requisitioned the ship itself. Justices McReynolds and Sanford took the latter view and argued that the consequent frustration of the contract was an implied condition of the contract and imposed upon the government no duty to make compensation. The majority held that the contract itself was taken and that the contractor was entitled to its value from the government. The issue in *Burns National Bank v. Duncan*[2] was whether Congress may empower national banks to act as executor against the will of a state legislature. Justices Sutherland and McReynolds thought not, for the reason that the settlement of decedents' estates is a state governmental function which the state may control. The majority declared, on the other hand, that the powers of national banks are for Congress to determine. There was here a dilemma in which seven seized one horn, and two the other.

The minority in the six remaining decisions in the group now under consideration were the two judges whom a distinguished Circuit Court Judge has in a public but unpublished address called the Bostonese twins of dissent. There is no doubt that Justices Holmes and Brandeis were justified in *Weiss v. Stearn*[3] in believing that under past decisions the corporate reorganization in question involved a technical sale by the stockholders of their stock in the original corporation and that the transaction gave rise to taxable income. The contrary opinion by Mr. Justice McReynolds for the majority affirms that the new stock represents the same interest as the old and that therefore in substance the original capital interest is still retained. The only criticism of this view is that it neglects prior adjudications to the contrary. The decision may have been influenced by the fact that Congress no longer treats such corporate metamorphoses as creators of taxable income. In *Texas Transport Co. v. New Orleans*[4] it was Justices Holmes and Brandeis who were seeking to break new paths. Established precedents amply justified the majority in branding as an unwarranted regulation of interstate and foreign commerce a license tax on a company acting as steamship agent for carriers engaged in such commerce. There is wisdom in precluding the state from special

[1] (1924) 265 U. S. 106, 44 Sup. Ct. 471.
[2] (1924) 265 U. S. 17, 44 Sup. Ct. 427.
[3] (1924) 265 U. S. 242, 44 Sup. Ct. 490.
[4] (1924) 264 U. S. 150, 44 Sup. Ct. 242.

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taxes on selected occupations which have a close practical relation to interstate commerce. The particular tax may be well enough, but if it is allowed it will be hard to draw the line where improper burdens begin. The states have other ways of making interstate business bear its full share of taxation.

In other cases also the dissents of Justices Holmes and Brandeis were efforts to depart from established ways. They never accepted the idea that the Constitution adopted some general maritime law into which the states may not cut. Mr. Justice Brandeis fought the fight over again in resisting the decision in *Washington v. W. C. Dawson & Co.*[1] that an employer of stevedores cannot be compelled to contribute to a state workmen's compensation fund. Mr. Justice Holmes did not formally dissent but observed that the limits to the principle of which he disapproves should be set by those who think it right. He, however, joined with his Massachusetts colleague in *Pacific Gas Co. v. San Francisco*[2] in an opinion advocating the "prudent investment" basis of valuing utility property as a way of avoiding perplexing problems of estimating accrued depreciation. The majority clung to the amorphosity of the "fair value" slogan and in reversing the estimates of the master and the court below with respect to depreciation laid down that competent testimony of actual conditions should not be rejected in favor of a theoretical rule and that patented inventions decreasing cost of operations must be accorded their consequent value. Mr. Justice Brandeis thought that the differences between the two courts were on questions of fact and that it was impossible to say that the court below and the master were wrong. The case illustrates anew the perfection of fuzziness inherent in the judicial concept of "fair value". Mr. Justice Brandeis's substitute may have its failings, but it is a welcome relief from the intellectual spook which now reigns in judicial opinions.

After Judge Mayer sentenced Controller Craig to jail for contempt, Judge Manton granted a writ of habeas corpus. This was the suitable remedy only in case Judge Mayer had no jurisdiction. Mr. Justice Holmes thought that under the statute there was no jurisdiction because the Controller's letter about Judge Mayer's past judicial action could not be thought to obstruct the administration of justice. Mr. Justice Brandeis agreed with him. The rest of the court thought that Judge Mayer had jurisdiction to decide this question even if he decided it wrongly and that therefore the Controller was not entitled to habeas corpus but only to his proper appeal.[3] It is hardly to be assumed that the difference between the judges was due wholly to

[1] (1924) 264 U. S. 219, 44 Sup. Ct. 302.

[2] (1924) 265 U. S. 403, 44 Sup. Ct. 537.

[3] *Craig v. Hecht* (1923) 263 U. S. 255, 44 Sup. Ct. 103.

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technical views of the mechanics of pleading and process, but the Key Number Digest puts its propositions all under the head of habeas corpus.

One of the judicial reforms for which Mr. Justice Brandeis has long been contending is the abandonment of speculative, doctrinaire, a-priori effusions in judicial opinions and the substitution of a realistic and concrete examination of the relevant facts. Those who wish to see both methods in their respective perfections should read *Jay Burns Baking Co. v. Bryan*[1] in which Mr. Justice Butler for the majority declared unconstitutional under the Fourteenth Amendment a Kansas statute which set top limits to the several sizes of bread loaves which might be offered for sale. The statute allowed some latitude and prescribed the average weight of twenty-five loaves, which of course permitted set-offs of individual idiosyncrasies. Mr. Justice Butler was very sure that all this was unreasonable and arbitrary, but Mr. Justice Brandeis adduced an amazing mass of baking lore to refute him. The comparative insignificance of the practical issue and the absence of those emotional elements which beset so many police-power problems make these contending opinions especially valuable exemplars of the comparative merits of fact and fancy.

Of solitary dissents there were seven. One was by Mr. Justice Brandeis who disapproved of a ruling which limited to proven damages the recovery of one charged more for a shorter haul than the prescribed rate for a longer haul and refused to allow automatic recovery of the difference between the two rates.[2] Two were by Mr. Justice McKenna who objected to an interpretation of a telegraph contract which extended the limitation of liability to a total failure to transmit the message[3] and who posited constitutional objections against a majority ruling which in effect deprived mines so located as to be served by two railroads of the full advantage of their favorable location in securing cars in time of shortage.[4] Of the four lonely dissents by Mr. Justice McReynolds, two were to the court's acceptance of a state court's interpretation of a state statute which he thought was so palpably erroneous that it should be disregarded by the Supreme Court in order to prevent an impairment of the obligation of contracts by a judicial subterfuge.[5] The other two involved the extent of the protection of a trade-mark[6] and a point of practice in patent litiga-

[1] (1924) 264 U. S. 504, 44 Sup. Ct. 412.

[2] *Davis v. Portland Seed Co.* (1924) 264 U. S. 403, 44 Sup. Ct. 380.

[3] *Western Union Telegraph Co. v. Czizek* (1924) 264 U. S. 281, 44 Sup. Ct. 328.

[4] *United States v. New River Co.* (1924) 265 U. S. 533, 44 Sup. Ct. 610.

[5] *Knights of Pythias v. Meyer* (1924) 265 U. S. 30, 44 Sup. Ct. 432; *Knights of Pythias v. Eiser* (1924) 265 U. S. 41, 44 Sup. Ct. 436.

[6] *Baldwin Co. v. Robertson* (1924) 265 U. S. 168, 44 Sup. Ct. 508.

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tion.[1] In addition to the actual dissents recorded, there were a number of differences of opinions as to the proper grounds of decision.

This is not an impressive array of disagreements or of questions of broad public interest on which it would be feasible to subject the judgments of the Supreme Court to some appellate power of a legislature or an electorate. There is a similar absence of any capacity to elicit a wide popular concern in most of the other issues which came before the court. The two major issues were raised by the various alien land laws of the Pacific Coast states and by the so-called recapture provisions of the Transportation Act. The court held that neither the Fourteenth Amendment nor any treaty provisions stand in the way of forbidding aliens to have an interest in agricultural land by way of lease,[2] cropping contract,[3] or ownership of stock in a corporation.[4] The opinions in these cases zealously avoided the genuine reasons motivating and possibly justifying such legislation and went on airy lines of loyalty which were made silly by the distinctions in one of the statutes which discriminated against aliens who could not become citizens, however much they desired it, in favor of those who chose not to avail themselves of the opportunities of naturalization open to them. Another statute had put these two classes in the same excluded group and the opinion here pointed out how obviously dangerous was the owning of farm lands by those who deliberately desired to remain aliens. Yet we were asked to believe that the justification for excluding non-eligible aliens when non-declarant eligible aliens are not excluded is that an alien because of alienage is a menace on the land. It was not suggested that the only genuine justification for the legislation is that it is a form of a protective tariff against a competitive efficiency which might conceivably be thought as undesirable as it is unwelcome.

The recapture provisions of the Transportation Act require that interstate railroads which receive from rates a return in excess of what is roughly assumed to be a fair return on their fair value shall hold half of the excess for special purposes related to capital equipment and turn over the other half to the government to be used in various ways for the general improvement of the transportation facilities and services of all the roads. By this device it is possible to prescribe uniform rates on all the roads and yet prevent the stronger roads from retaining too much in excess of the amounts to which they might be restricted if the rates on each road were forced down

[1] *Prestonnettes v. Cody* (1924) 264 U. S. 359, 44 Sup. Ct. 350.

[2] *Terrace v. Thompson* (1923) 263 U. S. 197, 44 Sup. Ct. 15; *Porterfield v. Webb* (1923) 263 U. S. 225, 44 Sup. Ct. 21.

[3] *Webb v. O'Brien* (1923) 263 U. S. 313, 44 Sup. Ct. 112.

[4] *Frick v. Webb* (1923) 263 U. S. 326, 44 Sup. Ct. 115.

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to the lowest limit which would not be confiscatory as to it. The excess earnings thus recaptured by the government will doubtless inure to the financial benefit of the weaker roads through lessened cost to them of loans and equipment. The recapture provision was said to be related in its general object to the divisions section of the statute sustained the year before, whereby returns from hauls over several connecting lines may be apportioned among the participating carriers on a basis which takes a charitable view of their several financial needs. Here of course is a form of communism enforced by governmental fiat; and communism has sometimes been thought to be obnoxious both to due process and to the Supreme Court. Yet the nine judges sustained both these provisions of the Transportation Act.[1] In general the reasons were that this is a sensible way of promoting the transportation service of the country as a whole. There was also a suggestion that here was some mongrel form of the taxing power.

The great majority of the decisions of the Supreme Court involve problems of statutory interpretation or the application of settled constitutional standards to the more or less peculiar facts of particular situations. No summary survey of such cases can give much insight into the elements which combine to influence judgment one way or the other. In police-power issues the question is whether there is enough of an evil to be remedied to justify the degree of restraint imposed. In cases involving the respective spheres of state and nation in the federal system the court has to balance the needs and the interests of various sorts and prick out practical lines of demarcation. So-called statutory interpretation often requires the court to decide whether a situation which the legislature never thought of should be held to be within or without the broad language which often permits one conclusion as readily as its opposite. Many of the opinions are necessarily crowded with numerous intricate and uninteresting details. Doubtless also many details which influenced the decision are not recorded in the opinions. The work of the court cannot be pictured by any summary. Yet something of its scope and variation may be suggested by a rough classification of the topics which in a single year present themselves for consideration. In the list given below the same point is sometimes classified under two or more heads or an issue listed but once may have several different phases. For example, a case counted but once under the head of state taxation may involve issues of jurisdiction, of discrimination, and of procedure, of assessment or of collection. With this warning against its importance, the classification offers itself as follows:

[1] *The New England Divisions Case* (1923) 261 U. S. 184, 43 Sup. Ct. 270; *Dayton-Goose Creek Railway Co. v. United States* (1924) 263 U. S. 456, 44 Sup. Ct. 169.

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It thus appears that the greater part of the work of the court is imposed by the existence of the national government and of the federal system. This proportion would have been still greater had not the Civil War left us the legacy of the Fourteenth Amendment. Doubtless the scope of the obligation-of-contracts clause would have been considerably expanded had there not been available the due-process clause of the Fourteenth Amendment, but even then it is likely that most of the questions now raised before the Supreme Court under the Fourteenth Amendment would have been questions to be settled finally by the state courts. Many of these questions are of exclusively local concern. It is an anomalous governmental mechanism which allows five out of nine judges at the national capitol a free rein to annul measures of purely state interest which have been approved by the state legislature and the state court. Such a situation is not the product of widespread conscious and carefully considered design, as any one familiar with the methods by which the Fourteenth Amendment secured adoption will readily perceive.

If the states were free to decide through state agencies whether they should have laws regulating wages, strikes, collective bargaining, hours of labor, building restrictions, employment agencies, compensation for injuries, methods of competition and other similar matters of predominantly local concern, the resulting opportunity for variation and experimentation would be desirable. Exclusion from the Supreme Court of questions affecting chiefly some single community would on a-priori grounds seem supremely sensible. It is a strange device of so-called democratic government which permits five out of nine judges to annul state minimum-wage laws with no other guide in the Constitution than the guideless words "due process of law" and leaves the state no remedy except favorable action from two-thirds of each

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house of the national legislature and from legislatures or conventions of three-fourths of the states.

Those seeking sore spots in our constitutional system might well turn their attention from what the Supreme Court may do to acts of Congress to what it may do to state statutes and municipal ordinances. Some measures of these local authorities have extraterritorial intrusions which it may be well to subject to the scrutiny of a far-away court without local sympathies and ties. That part of the judicial work done in the name of the Fourteenth Amendment which consists in confining the states to their own bailiwicks is a part which wise constitution-makers may still desire to continue. Quite different considerations apply to other issues which now arise under the Fourteenth Amendment. No realistic analysis could call it absurd to suggest that a state minimum-wage law should be passed upon finally by a state court or that if approved by a state court it should not be annulled by the Supreme Court by the votes of less than six or seven of the nine Justices. This is an objection not to the principle of judicial review but merely to the possibility of absentee government.

STATE AND LOCAL AFFAIRS.—1924, being even-numbered, was of course a slack year in the output of **state legislation.**[1] **Regular sessions** were held in Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Rhode Island, South Carolina and Virginia. In addition **special sessions** were held in Arkansas, Iowa, Montana, North Carolina and Oklahoma. Opinion continues to run against the scheme of annual sessions, and it is perhaps significant that two of the six states having a yearly meeting of the legislature abandoned it in 1924; **Georgia,** by a vote of 79,170 to 18,755, with 58.9% of those voting for governor casting their votes upon the amendment, and **South Carolina,** by a vote of 13,102 to 11,757, with 48.9% of the vote for presidential electors recorded on the measure.

The legislative session in **Rhode Island** during 1924—literally, for it was never adjourned—was of unusual interest because, aside from its bizarre features, it illustrated the seemingly growing importance of the problem of legislative reapportionment in many states. In 1922 the Democrats elected Governor Flynn and Lieutenant Governor F. A. Toupin, but, although the Democratic candidates received 53% of the vote for senators and 51% of the vote for members of the house, the Republican party continued to control both chambers by

[1] See 1924 *Report of Committee on Noteworthy Changes in Statute Law* (prepared under the auspices of the American Bar Association), J. P. Chamberlain, Chairman, Legislative Drafting Bureau, Columbia University, New York City. On labor legislation, see also *The American Labor Legislation Review,* December, 1924.

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reason of rural overrepresentation. The immediate objective of the Democratic members in the session of 1924 was a referendum on the calling of a constitutional convention, notably to consider legislative reapportionment, the abolition of the property qualification for the suffrage, executive appointments by the governor instead of by the senate and the popular election of judges instead of their selection by joint legislative ballot. The method used by the Democrats was primarily a filibuster in the senate, in which they were aided by the fact that the presiding officer was a Democrat. The annual supply bills were thus obstructed. On June 19, 1924, after a continuous session during two days, a disturbance occurred, in which spectators and legislators mingled and in which gas-fumes were somehow introduced into the chamber. Twenty Republican members went across the line into Massachusetts where they remained until the close of the year, leaving one of their number to raise the question of no quorum. In the election of 1924 the Republican candidate for the vacancy in the U. S. Senate, Mr. Metcalf, triumphed over Governor Flynn, and Aram J. Pothier was elected governor against Toupin, while 32 Republicans and only 5 Democrats were elected to the new senate, and 66 Republicans and only 25 Democrats to the new house. Despite this overturn, the year closed with the prospect that an amendment on the suffrage and at least an investigation of reapportionment would be recommended by the incoming executive. The problem of **legislative apportionment,** thus so picturesquely dramatized in Rhode Island, has been raised in less acute form in other sections. In 1924, **Michigan** rejected the so-called Corliss constitutional amendment (*cf.* p. 90) which would have put the responsibility for reapportionment (on the basis of qualified voters, not population) in the hands of an ex-officio board. The amendment was defeated by 231,718 to 781,351; although prompted by the rivalry of Detroit and the agricultural part of the state, it was defeated in both sections. Constitutional amendments on phases of legislative apportionment were also considered in Arizona and Florida, being adopted in the latter.

Measures voted on in state elections.—Two hundred and thirteen measures were voted on in the state elections of 1924.[1] Of this num-

[1] This does not include amendments to the Constitution of Missouri, proposed by a constitutional convention and voted on February 26, 1924. Six proposals (comprising recommendations of minor importance) were adopted, 14 rejected, with barely 1/5 of the eligible voters participating, frustrating the work of a convention said to cost $800,000.

1923 had been an off-year in direct law-making. Maine, by 33,991 to 53,784 (with all but 2 counties adverse) rejected a referred measure providing a 48-hour week for women and minors. New York approved 3 amend-

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ber, 163 were constitutional amendments (of which 5 were proposed by initiative petition), 17 were measures referred by the legislature, 15 were measures referred by petition, and 18 were measures proposed by initiative petition. The mood of the electorate was on the whole negative. The voters approved 90 and defeated 123. The **degree of interest** is measured by reckoning the total vote for and against each of these propositions as a percentage of the total vote for governor, (or occasionally the vote for United States Senator, or for presidential electors, or the total vote in the election), and by striking group averages of the individual averages. On all measures this average was 57.0%; on constitutional amendments it was 51.3%; on measures referred by the legislature, 64.3%; on measures referred by petition, 82.7%; on initiated measures, 80.5%. The higher degree of participation in the voting on the latter classes of propositions suggests a comparison which is always interesting, in as much as it bears at least distantly on the self-education involved in democratic processes. In the 18 states which have the initiative and referendum,[1] the average for all measures was 73.6%, whereas in the other states the corresponding average was only 46.2%. In Michigan, the percentage in question was 95.6%; in South Dakota, 91.8%; in North Dakota, 91.1%; in Oregon, 84.2%; in Washington, 82.6%; in Wyoming, 79.9%; in Montana, 77%. At the other extreme stood Connecticut (which votes through town meetings), with 12.5%; Vermont, with 16.6%; Maryland, with 38.2%; South Carolina, with 38.5%. Comparing the vote in favor of the measure with the vote for governor, it is observed that

ments (municipal home rule, soldiers' bonus, and absentee voting by inmates of soldiers' homes), rejected 2 others, and approved 2 referred measures ($50,000,000 bond issue for institutions for mentally defective, etc.; a pay increase for N. Y. C. policemen and firemen). Ohio adopted a workmen's compensation amendment and a change in the verbiage of its suffrage clause, but defeated an amendment for a publicity pamphlet system, and also defeated two acts referred by petition (one proposing to raise the tax levy from 15 to 17 mills), and, by 390,599 to 777,351, rejected an initiative measure for old age pensions. Oregon, by 58,647 to 58,131, sustained on referendum the income-tax law passed by the Legislature (repealed in 1924 by an initiative measure). Virginia defeated a $50,000,000 highway-bond issue.

[1] According to data supplied by the National Popular Government League, these states are Ariz., Ark., Cal., Colo., Maine, Mass., Mich., Mo., Mont., Nebr., Nev., N. D., Ohio, Okla., Ore., S. D., Utah, and Wash. Md. and N. M. have been omitted because they have the referendum only. No enabling act has been passed in Idaho. The Miss. provision was voided in 1922.

For a valuable analysis of the measures and the social forces behind them, see *A Survey of Initiative and Referendum Elections of 1924*, by Judson King, Director of the National Popular Government League, Munsey Building, Washington, D. C.

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of the 90 proposals adopted, 79 measures received an affirmative vote that was less than 50% of the vote for officers; in the case of 59, it was less than 40%; 16 received less than 25%.[1]

The measures submitted in 1924 are listed fully in accompanying tables (*cf.* p. 84). A bare indication of certain classes of proposals of especial interest is given here. The mood marked in the presidential election was generally characteristic of the treatment of measures relating to **taxation and expenditures.** State income and inheritance taxes were disapproved everywhere the question was raised—in Florida, Michigan, Mississippi and Oregon; North Carolina approved a state debt limit; but California imposed an educational poll tax, Washington rejected a proposed maximum tax rate, and North Dakota defeated a blanket reduction of taxation during the ensuing three years. Special exemptions were disapproved in California and Missouri but approved in Alabama, Georgia and North Carolina. Classification in taxation was approved wherever presented—in California, Florida, and Kansas. Mine taxation was approved in Montana, but failed in Wyoming. Highway development on the whole escaped the spirit of economy; highway bond issues or funds were approved in Illinois, Louisiana and Missouri, but defeated in Arizona and Kentucky; the gasoline tax was favored in Minnesota, disapproved in Massachusetts. Large bond issues were voted in New York for parks, in New Jersey for bridges and tunnels, but defeated in South Carolina for institutional buildings. The soldiers' bonus was approved in Maryland, North Carolina and Oregon and, as regards Confederates, in Louisiana and Texas; but was rejected in Montana, Colorado (for all wars since 1861), and Kansas (for the Spanish-American War). Salary increases as usual fared badly, failing in Colorado, Louisiana, Missouri and North Carolina, but succeeding in California.

The issue of **public enterprise** was most interestingly raised in California, which rejected an initiated amendment to give authority with a half-billion dollar bond issue for governmental development of water power. Minnesota disapproved state grain elevators; Washington, the general sale of surplus power by municipal electric plants;

[1] These results have a significant bearing on the requirement of some states that amendments need the approval of a majority of those voting in the election. Measures defeated in 1924 by the operation of such provisions, although favored by a majority of those voting thereon, were as follows: in Ark., all 3 amendments submitted; in Ill., the one amendment submitted and the canal lease referendum (the other legislative referenda requiring only simple majorities); in Minn., two amendments (one favored by 74.8% of those voting thereon), although here two other amendments managed to get through, and the fifth was defeated anyway by those voting on it; in Wyoming, one of 2 amendments submitted. *Cf. infra.*, pp. 85, 88, 91, 99.

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and North Carolina, a broad proposal for public port and shipping facilities. On the other hand, Georgia and Louisiana favored limited provisions for port and terminal development. Forestry protection measures were approved in Minnesota and Wisconsin, but a far-reaching reforestation amendment failed in Minnesota. **Labor measures** were received coldly, being rejected in Massachusetts (ratification of national child labor amendment), Missouri and Oregon (workmen's compensation), and North Dakota (farm labor liens). In advisory referenda (not shown in the table) taken in certain Massachusetts legislative districts, however, the majority of voters expressing themselves favored an old age pension system. The restlessness due to **racial and religious feeling** was revealed in Michigan and Washington in amendments intended to prevent parochial schools; both were defeated. Nevada, however, revoked its constitutional guarantee of equal property rights for resident aliens. Oregon adopted the literacy qualification (in English) for the suffrage. As regards **"moral legislation,"** Massachusetts upheld a prohibition enforcement measure; California authorized boxing and wrestling matches; Arizona rejected a proposal favorable to racing and betting. On the side of **political machinery and elections,** the direct primary was hit by the abolition of the presidential primary system in Montana; details thereof were involved in laws repealed on referendum in North and South Dakota; and Nebraska refused to make direct nominations for national officers mandatory in the constitution. Non-partisan elections for all state and local officers were rejected in Nebraska in connection with the same amendment; but upheld for judges in South Dakota. An attempt to limit the use of party names was voided in North Dakota. The proposal to make a majority in the primary equivalent to election was defeated in Arizona. As regards **governmental structure,** the increase of terms of executive officers was favored in South Carolina, but defeated in New Mexico. The item veto of appropriations was conferred in Connecticut. Biennial sessions were established in Georgia and South Carolina. Municipal home rule was adopted in Nevada and Wisconsin, although failing to get the constitutional majority in Arkansas. Constitutional revision itself was not welcomed; proposals to hold **constitutional conventions** were uniformly rejected—in New Hampshire, Pennsylvania, Tennessee and South Dakota.

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TABLE OF CONSTITUTIONAL AMENDMENTS, REFERRED MEASURES, AND MEASURES PROPOSED BY INITIATIVE PETITION SUBMITTED TO POPULAR VOTE IN THE STATES, 1924

State	Nature of proposition	Subject	Action	Vote		Total vote on proposition as percentage of vote for Governor	Affirmative vote as percentage	
				Affirmative	Negative		of vote on proposition	of vote for Governor
Alabama ‡	C. A.*	World War veterans exempt from poll tax	App.†	75,924	32,982	55.8	69.7	39.0
	C. A.	Drainage, road and sea-wall districts	App.	60,095	29,825	46.1	66.8	30.8
	C. A.	Taxes in Mobile Co.	App.	58,559	28,873	44.8	66.9	30.0
	C. A.	Indebtedness of Mobile Co.	App.	57,410	28,041	43.8	67.1	29.4
	C. A.	Taxes in Walker Co.	App.	56,535	28,217	43.4	66.7	29.0
	C. A.	Power of taxation in 12 enumerated municipalities	App.	55,321	28,891	43.2	65.6	28.3
	C. A.	Provision for certain enumerated school districts in Lawrence Co.	App.	54,926	25,566	41.3	68.3	28.1
	Average					45.5		
Arizona	C. A. I.	Blythe Highway bond issue, $3,500,000	Rej.	13,656	40,372	71.7	25.2	18.1
	C. A.	Legislative redistricting	Rej.	8,779	34,602	57.5	20.2	11.6
	Ref.	51 per cent total primary vote sufficient to elect	Rej.	13,166	34,360	63.0	27.7	17.4
	Init.	Colorado River Investigation; Appropriation of $100,000	Rej.	21,460	33,910	73.4	38.7	28.4
	Init.	Creating racing commission, and authorizing Pari-Mutuels	Rej.	12,946	38,017	67.6	25.4	17.1
	Init.	Creating non-partisan State Highway Commission without salary	Rej.	15,398	32,600	63.7	32.0	20.4
	Average					66.2		

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Arkansas	C. A. ...	Financial procedure of counties, cities and organized towns regulated by restricting making of contracts or issuing of scrip, etc., in excess of current revenue	Rej.§	57,854	35,449	74.1	62.0	46.0
	C. A. ...	Increasing number of judges of Supreme Court from 5 to 7	Rej.§	52,151	40,955	74.0	56.0	41.4
	C. A. ...	Home rule; probibiting local legislation and leaving the power of local and special legislation to the control of the counties and municipalities.....	Rej.§	56,910	34,174	72.4	62.5	45.2
	Average.	.....	.....	.....	.....	73.5		
California	C. A. ...	Educational poll tax authorized	App.	501,551	486,134	73.8	50.7	37.5
	C. A. ...	Suffrage; change of residence within county	App.	699,687	197,657	67.1	77.9	52.3
	C. A. ...	Salaries of Legislature to be $100 per month in alternative years	App.	486,193	391,933	65.6	55.3	36.3
	C. A. ...	City and county financial procedure; temporary transfers	Rej.	264,464	564,252	62.0	31.8	19.7
	C. A. ...	Bonds of all political subdivisions tax-exempt	Rej.	314,750	511,364	61.8	38.0	23.5
	C. A. ...	Personal property taxes to be based under certain circumstances on real property tax rate for year before	App.	490,782	333,311	61.6	59.5	36.7
	C. A. ...	Permitting increase of salaries of deputies during term of county officers	App.	423,921	391,325	60.9	51.9	31.7
	C. A. ...	Tax exemption of flying fields used by U. S.	Rej.	297,813	533,775	62.2	35.8	22.2
	C. A. ...	Deposit of funds of political subdivisions in state banks	App.	515,412	279,830	59.4	64.7	38.5
	C. A. ...	Classification in taxation authorized as regards notes, debentures, stock, bonds, etc.	App.	429,031	368,014	59.6	53.8	32.0

* Abbreviations: C. A. for Constitutional Amendment; C. A. I. for Constitutional Amendment proposed by Initiative; Ref. for Referendum by petition; Ref. by Leg. for Referendum by Legislature; Init. for Initiative. † App. for Approved or Adopted; Rej. for Rejected. ‡ Percentages computed on basis of vote for U. S. Senator. § Requires majority of vote cast in election. || Percentages computed on basis of total vote cast.

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California	C. A.	Jurisdiction of inferior courts in cases of forcible entry and detainer	App.	518,292	266,241	58.6	73.7	43.2
	C. A.	Exemption of county fire-insurance companies from state tax on insurance companies	Rej.	287,194	487,126	57.9	37.0	21.4
	C. A.	Eminent domain; power of railroad commission to act on behalf of irrigation districts, etc.	App.	472,713	283,201	56.5	62.5	35.3
	C. A.	Municipal courts; organization and jurisdiction	App.	475,217	267,987	55.6	63.9	35.5
	C. A. I.	Water power; public development; $500,000,000 bond issue	Rej.	320,383	751,985	80.2	29.7	23.9
	C. A. I.	State taxation of gross receipts of bus lines	Rej.	457,372	541,241	74.7	45.8	34.2
	Init.	Boxing and wrestling contests authorized; athletic commission created	App.	518,631	498,217	76.0	51.0	38.8
	Init.	Prohibiting dams, etc., in Klamath River Fish and Game District	App.	560,785	363,658	69.1	60.6	41.9
	Average					64.6		
Colorado	C. A. I.	Establishing the office of state printer	Rej.	32,150	225,505	78.6	12.4	9.9
	C. A.	Soldiers' bonus, for veterans of wars since 1861	Rej.	91,510	119,586	64.4	43.3	27.9
	C. A.	Empowering legislature to fix salaries of state officers	Rej.	67,230	129,344	60.0	34.2	20.5
	Average					67.6		
Connecticut	C. A.	Governor given power to veto appropriation items (This amendment proposed in 1923, was voted upon at town meetings during following year. Vote indicated was taken under these conditions)	App.	36,257	10,601	12.5	77.0	9.7

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Delaware.....	.....	Constitutional amendments not submitted to referendum. None adopted.						
Florida	C. A. ...	Forbidding state income and inheritance taxation; $500 exemption under property tax	App.	60,640	14,386	73.7	80.8	59.6
	C. A. ...	Unification of local governments in Duval County (City of Jacksonville) authorized.	Rej.	23,342	32,850	55.2	41.5	22.9
	C. A. ...	Creation of special tax school districts, with bond-issuing powers, authorized	App.	38,036	16,032	53.1	70.3	37.4
	C. A. ...	Tax classification; special rates on intangible property	App.	36,971	16,289	52.3	69.4	36.3
	C. A. ...	Legislative apportionment; general requirements fixed.....	App.	38,139	14,108	51.3	72.9	37.5
	Average.	.....	.....	.....	.....	57.1		
Georgia.....	C. A. ...	Creating Peach Co.	App.	77,952	31,211	65.6	71.4	46.9
	C. A. ...	Authorizing consolidation of offices of Tax Receiver and Tax Collector in Counties..	App.	69,070	28,918	58.9	70.4	41.5
	C. A. ...	Biennial, instead of annual legislative sessions	App.	79,170	18,755	58.9	80.8	47.6
	C. A. ...	Exempting certain manufactures and industries from taxation for not to exceed five years	App.	68,548	25,623	56.6	72.7	41.2
	C. A. ...	Authorizing City of Brunswick to increase debt up to 14% in order to acquire and operate port facilities, etc.	App.	74,435	17,261	55.1	81.1	44.7
	C. A. ...	Authorizing consolidation of city and county governments in counties containing city with population of 52,900 or over	App.	64,918	23,673	53.3	73.2	39.0
	C. A. ...	Coastal Highway District formed by grouping of 6 counties	App.	70,284	17,804	53.0	79.7	42.2
	C. A. ...	Authorizing increase in bonded indebtedness of Savannah	App.	70,141	16,745	52.2	80.7	42.2
	Average.	.....	.....	.....	.....	56.7		

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Idaho	C. A. ...	Water rights; use of unappropriated waters may be restricted by law when for power purposes	Rej.	18,163	32,682	34.1	35.7	12.1
Illinois*..	C. A. ...	Increasing number of articles of Constitution that may be amended in any one election from one to two	Rej.‖	704,665	397,835	42.7	63.9	27.3
	Ref. by Leg.	State-wide system of hard roads, and bond issue therefor of $100,000,000 (L. 1923, p. 512)	Act Sus.†	1,561,637	544,250	81.6	74.1	60.5
	Ref. by Leg.	Amending banking law, virtually to prohibit branch banking (L. 1923, p. 164)	Act Sus.†	1,088,153	517,827	62.2	67.7	42.1
	Ref. by Leg.	Amending banking law (secs. 2, 4, 5, 7, 8, 11 and 17) regarding sundry phases of organization and powers (L. 1923, p. 158)	Act Sus.†	709,975	364,165	41.6	66.0	27.5
	Ref. by Leg.	Authorizing lease of Ill. and Mich. Canal and right of way between Joliet and Chicago (L. 1923, p. 166).....	Act Rej.‖	1,030,272	505,024	59.5	67.1	39.9
	Average.	.....	.....	.....	.....	57.5		
Indiana	.....	None submitted.						
Iowa	.....	None submitted.						
Kansas	C. A. ...	Tax classification; authorized for mineral products, money, mortgages, notes and other evidences of debt.....	App.	250,813	196,852	67.8	56.0	38.0
	Ref. by Leg.	Compensation for Spanish War Veterans...	Rej.	250,282	255,940	76.7	49.4	37.9
	Average.	.....	.....	.....	.....	72.2		
Kentucky‡	C. A. ...	Highway construction bond issue of $75,000,000	Rej.	275,873	374,319	82.5	42.4	35.0

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Louisiana§	C. A.	Orleans Parish school tax	Rej.	18,315	56,037	60.9	24.6	15.0
	C. A.	Pensions for Confederate Veterans and their widows	App.	45,825	18,086	52.4	71.7	37.5
	C. A.	Funds for completion of certain specified state highways	App.	36,426	22,426	48.2	61.8	29.8
	C. A.	Increasing the salaries of Judges of Civil Court for Parish of Orleans	Rej.	21,951	32,531	44.6	40.1	17.9
	C. A.	Creating a special paving fund for the city of New Orleans	App.	30,763	21,388	42.7	58.9	25.2
	C. A.	Authorizing Caddo Parish to levy 5½ mill tax for support of schools	App.	31,195	21,917	43.5	58.7	25.5
	C. A.	Requiring school board of Sabine Parish to levy annual tax for school maintenance ..	App.	32,317	21,789	44.3	59.7	26.4
	C. A.	Salaries of district Judges	Rej.	24,670	27,352	42.6	47.4	20.2
	C. A.	Empowering legislature to create port, harbor and terminal districts, with taxing power, etc.	App.	29,018	22,705	42.4	56.1	23.7
	C. A.	Power of New Orleans City to issue paving certificates	App.	31,306	20,370	42.3	60.5	25.6
	C. A.	Road, sub-road, and sewerage districts	App.	29,543	20,745	41.2	58.7	24.2
	C. A.	Authorizing gravity districts and gravity sub-drainage districts to incur debt and issue negotiable bonds	App.	25,032	24,356	40.4	50.6	20.5
	C. A.	Powers of Board of Liquidation of New Orleans City	App.	24,619	22,772	38.8	51.9	20.1
	Average.		.....	.....	.....	44.9		
Maine	.....	None submitted.						

* Percentages computed on basis of total vote cast. † Act sustained. ‡ Percentages computed on basis of vote for U. S. senator. § Percentages computed on basis of vote for presidential electors. ‖ Requires majority of vote cast.

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Maryland*	C. A. ...	Compensation of war veterans	App.	92,506	49,544	39.4	65.1	25.7
	C. A. ...	Compensation, etc., of state's attorney in Baltimore City	App.	89,237	44,297	37.1	66.8	24.8
	Average.	.....	.....	.....	.....	38.2		
Massachusetts..	C. A. ...	Married women: change of name not to affect commission as notary public	App.	473,744	266,377	63.7	64.0	40.7
	C. A. ...	Striking out word "male" in suffrage clause	App.	456,919	246,499	60.5	64.9	39.3
	Ref. by Leg.	Approving retention of daylight saving by law	App.	429,239	426,759	73.6	50.1	36.9
	Ref. by Leg.†	Ratification of national child labor amendment	Rej.	241,461	697,563	80.8	25.7	20.7
	Ref.	Gasoline tax for highway support (Acts 1923, Ch. 454)	Act Rej.‡	281,631	547,460	71.3	33.0	24.2
	Ref.	Prohibition enforcement, in conformity U. S. law and regulations (Acts 1923, Ch. 370)	Act Sus.§	454,656	446,473	77.5	50.4	39.1
	Ref.	Bonding and licensing money brokers (Acts 1923, Ch. 473)	Act Sus.§	435,141	187,228	53.5	69.9	37.4
	Average.	.....	.....	.....	.....	68.7		
Michigan.....	C. A. ...	Requiring all children, 7–16 years, to attend a *public* school through 8th grade	Rej.	421,472	760,571	102.0	35.6	36.4
	C. A. ...	Authorizing income tax law	Rej.	216,437	913,833	97.6	19.1	18.6
	C. A. ...	Legislative reappointment; procedure	Rej.	231,718	781,351	87.4	22.8	20.0
	Average.	.....	.....	.....	.....	95.6		
Minnesota ‖....	C. A. ...	Gasoline tax for road purposes	App.	520,769	197,457	82.6	72.5	59.9
	C. A. ...	Prevention of forest fires including borrowing for purpose by state or subdivisions;						

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		compulsory clearing, etc.	App.	460,965	143,518	69.5	76.2	53.0
	C. A.	Authorizing reforestation laws, including irrepealable provisions for definite and limited taxation during a term of years, and yield tax on timber products thereafter	Rej.	428,407	143,977	65.8	74.8	49.2
	C. A.	Authorizing establishment of a state-owned and operated public terminal grain elevator	Rej.	253,732	257,492	58.8	49.6	29.1
	C. A.	Publication of charter amendments in cities and villages; requirements changed	Rej.	246,414	200,391	51.4	55.1	28.3
	Average.					65.6		
Mississippi *	C. A.	Income and inheritance taxes authorized	Rej.	9,865	83,689	83.2	10.5	8.8
	C. A.	Levee districts; details of organization in certain specified districts	Rej.	33,932	50,463	75.1	40.2	30.2
	C. A.	Levee districts; local election, instead of central appointment, of levee commissioners	Rej.	33,992	45,808	71.0	42.5	30.2
	Average.					76.4		
Missouri	C. A.	Enlarging the membership of the Supreme Court, etc.	Rej.	331,774	526,553	66.2	38.6	25.5
	C. A.	Limit of pay of state legislature raised; prohibition against nepotism attached	Rej.	392,319	459,599	65.7	46.0	30.2
	C. A.	Revision of constitution by constitutional conventions; requirement of periodical submission of question eliminated; requirements regarding make-up simplified.	Rej.	326,065	511,152	64.5	39.0	25.1

* Percentages computed on basis of vote for presidential electors. † Advisory. ‡ Act Rejected. § Act Sustained.
|| Percentages computed on basis of total vote cast.

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Missouri	C. A.	St. Louis; eliminates requirement that one house at least of City Legislature must be elected by general ticket	Rej.	391,346	436,520	63.8	47.2	30.0
	Init.	Completion and maintenance of state highway system, including increase of license fees and gasoline tax	App.	742,836	348,007	84.1	68.0	57.3
	Init.	Tax exemption of certain classes of property	Rej.	427,691	461,031	68.5	48.1	32.9
	Init.	Boundaries of City of St. Louis and of St. Louis County; permitting expansion of city	App.	477,776	385,516	66.6	55.3	36.8
	Init.	Compensation for industrial accidents	Rej.	262,948	695,537	66.2	30.6	20.2
	Average.					68.2		
Montana	C. A.	Soldiers' Bonus	Rej.	66,245	67,814	76.9	49.4	38.0
	C. A.	Qualification of county superintendent of schools	App.	81,814	44,920	72.7	64.5	46.9
	C. A.	Acceptance of gifts for permanent revenue funds	App.	73,574	49,267	70.4	59.8	42.2
	Ref.	Act repealing presidential preference primary law	Act Sus.*	77,948	57,540	77.7	57.5	44.7
	Init.	Metal mines license tax	App.	87,790	65,742	88.1	57.1	50.3
	Average.					77.1		
Nebraska	C. A. I.	Requiring direct primary nominations for members of Congress and state and county elective offices; also requiring non-partisan ballot in election of all officers created by Constitution and laws of state	Rej.	163,932	228,485	87.5	41.7	36.5
Nevada †	C. A.	Permitting investment of school funds in loans secured by mortgage on agricultural lands	Rej.	5,175	10,614	60.7	32.7	19.9

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	C. A. ...	Home rule for cities and towns; legislature, by general law, may confer local charter-making or amending power regarding existing charters	App.	7,698	6,185	53.4	55.4	29.6
	C. A. ...	Eliminating constitutional provision giving foreigners who become bona-fide residents same rights of property as native-born citizens	App.	6,280	6,249	48.2	50.1	24.1
	Average.	.....	.....	.....	.....	54.1		
New Hampshire	Ref. by Leg.	Proposal to call constitutional convention..	Rej.	22,520	42,616	39.6	34.5	13.7
New Jersey‡...	Ref. by Leg.	Bond issue, not exceeding $8,000,000, for bridges and tunnels across Hudson and Delaware Rivers	App.	412,820	110,318	48.1	78 9	38.0
New Mexico...	C. A. ...	Providing as alternative to grand jury indictment, information filed by a district attorney or attorney general; and regulating the make-up and voting of grand juries	App.	28,420	21,166	43.0	57.3	24.6
	C. A. ...	Providing four year, instead of two year, term for all county officers	Rej.	20,685	28,363	42.6	42.1	17.9
	C. A. ...	Providing four year, instead of two year, term for governor and other state officers.	Rej.	21,369	26,972	42.0	44.2	18.4
	Average.	.....	.....	.....	.....	42.5		
New York	Ref. by Leg.	Bond issue of $15,000,000 for state parks ..	App.	1,542,928	556,920	64.2	73.4	47.2

* Act sustained. † Percentages computed on basis of vote for Congressman-at-large. ‡ Percentages computed on basis of vote for presidential electors.

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North Carolina.	C. A. ...	Increase in salaries of members of state legislature	Rej.	97,248	112,606	43.7	46.3	20.2
	C. A. ...	Exempting mortgages and notes given to build or purchase home from taxation for 50 per cent of the value of the notes and mortgages	App.	149,151	46,827	40.8	76.1	31.0
	C. A. ...	Limiting the State indebtedness to seven and one-half per cent of the assessed valuation of taxable property	App.	127,937	43,026	35.6	74.8	26.6
	C. A. ...	Prohibiting the use of any sinking fund except for the retirement of the bonds for which it was created	App.	109,434	50,571	33.3	68.3	22.7
	Ref. by Leg.	Terminals and water transportation; public development of facilities, etc.	Rej.	126,820	183,913	64.7	40.8	26.4
	Ref. by Leg.	World War veterans loan-fund bonds.....	App.	143,015	62,261	42.7	69.6	29.7
	Average.	.....	.....	.....	.....	43.5		
North Dakota..	C. A. *..	State bond issues; thirty year limit to be reckoned from date of issue, not from date of law authorizing bonds.....	App.	64,996	57,345	89.4	53.1	47.5
	C. A. *..	County judge to be also county clerk in less populous counties	App.	70,447	49,762	87.9	58.6	51.5
	Ref.* ...	Authorizing boards of county commissioners and tax commissioner to compromise taxes assessed on bank stock, 1919–1921 (L. 1923, Ch. 300, Section 2).....	ActRep.†	56,717	64,189	88.4	46.9	41.4
	Ref.* ...	Making certain changes in the primary elections, including presidential primaries (L. 1923, Ch. 204)	ActRep.†	54,867	65,747	88.2	45.4	40.1
	Ref.* ...	Providing for elimination of party names from ballot, but permitting five-word descriptions, including words Republican or Democratic only when used conjointly, or						

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		when either is used in combination with other words indicating the faction to which candidate belongs, authorized by a delegate convention (L. 1923, Ch. 205)..	ActRep.†	53,914	66,621	88.1	44.7	39.4
	Ref.*...	Changing certain features in the make-up of county and state central committees (L. 1923, Ch. 208)	ActRep.†	53,449	64,093	85.9	45.4	39.0
	Init.*...	Farm labor liens	Rej.	51,550	78,174	94.8	39.7	37.7
	Init.‡...	Limiting taxes for 1925, 1926 and 1927 to 75% of 1923 taxes.....	Rej.	97,384	102,393	106.4	48.7	51.9
	Average	.....	.....	.....	.....	91.1		
Ohio	.....	None submitted.						
Oklahoma	.....	None submitted.						
Oregon §.....	C. A. ...	Literacy qualification for suffrage; ability to read and write English necessary	App.	184,031	48,645	87.8	72.0	69.4
	C. A. ...	Defining "public use" and "welfare" in the eminent domain clause, to cover all means necessary to transportation of raw products or water for beneficial use or drainage	App.	134,071	65,133	75.2	67.3	50.6
	C. A. ...	"Bonus" World War veterans state aid fund; option of cash up to $500, or loan.	App.	131,199	92,446	84.4	58.6	49.5
	Ref.....	Oleomargarine and Condensed Milk Act, prohibiting non-vegetable fats in condensed milk and butter substitutes (L. 1923, Ch. 168).....	ActRep.†	91,597	157,324	94.0	36.7	34.5
	Init.....	Repealing the Income Tax law (L. 1923, Ch. 279)	App.	123,799	111,055	88.6	52.7	46.7

* Submitted in March primary; percentage based on presidential primary vote. † Act repealed. ‡ Submitted in general election. § Percentages computed on basis of vote for U. S. senator.

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	Init.	Workmen's compulsory compensation system for hazardous occupations.....	Rej.	73,270	151,862	85.0	32.5	27.6
	Init.	Naturopath Bill; board of examiners created	Rej.	75,159	122,839	74.7	37.8	28.3
	Average.	.....	.....	.....	.....	84.2		
Pennsylvania ..	Ref. by Leg.	Proposal to hold constitutional convention.	Rej.	329,883	988,442	61.4	25.0	15.3
Rhode Island..	.....	None submitted.						
South Carolina*	C. A. ...	Governor's term to be 4, instead of 2, years.	App.	12,677	12,558	49.7	50.2	24.9
	C. A. ...	Biennial, instead of annual, legislative sessions	App.	13,102	11,757	48.9	52.7	25.8
	C. A. ...	General provision regarding terms of office altered, to permit 4 year terms	App.	12,431	12,402	48.9	50.0	24.4
	C. A. ...	Term of State Superintendent of Education to be 4, instead of 2, years	Rej.	12,261	12,338	48.4	49.8	24.1
	C. A. ...	Attorney General's term to be 4, instead of 2 years.....	App.	12,358	12,163	48.3	50.4	24.3
	C. A. ...	Changing date of beginning of fiscal year ..	Rej.	11,520	12,158	46.6	48.6	22.6
	C. A. ...	Eliminating provision regarding 3 mill tax for school purposes	Rej.	10,201	12,934	45.5	44.0	20.1
	C. A. ...	Procedure in calling special sessions; ⅔ of legislature may call	Rej.	11,241	11,680	45.1	49.0	22.1
	C. A. ...	Areas of school districts; restriction to natural boundaries and maximum area of 49 sq. miles eliminated.....	Rej.	9,575	11,305	41.1	45.8	18.8
	C. A. ...	Verbal change to accommodate annual tax to biennial sessions	Rej.	9,652	11,138	40.9	46.4	19.0
	C. A. ...	Exemption, under debt limit, for street improvements, etc., in cities over 1,000	Rej.	8,646	10,716	38.1	44.6	17.0
	C. A. ...	Empowering Cities of Greenville and Spartanburg to assess abutting property for permanent improvements.....	Rej.	8,454	10,445	37.2	44.7	16.6

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	C. A. ...	39 separate amendments, each proposing to exempt a particular local government from the general constitutional restriction on local debt limits (8% on any unit; 15% on combined units within the same area). Involved 21 school districts, 12 towns, 5 counties and 1 city. Votes shown are averages of votes cast on the 39 amendments. All rejected	Rej.	7,957	10,511	36.3	43.0	15.6
	Ref. by Leg.	$10,000,000 state bond issue for building and improvement program in regard to educational, charitable and penal institutions	Rej.	8,765	25,192	66.9	25.8	17.2
	Average.	.....	.....	.....	.....	38.5		
South Dakota†.	Ref. by Leg.	Proposal to have constitutional convention.	Rej.	60,235	117,086	101.5	33.9	34.4
	Ref.	Attaching Todd to Tripp County (L. 1923, Ch. 304).....	ActRep.‡	68,463	89,440	90.3	43.3	39.1
	Ref.	Non-partisan election of judges (L. 1923, Ch. 181, which sought to repeal L. 1921, Ch. 224).....	ActRep.‡	54,966	102,339	90.0	34.9	31.4
	Ref.	Changing date of primary elections from March to May, etc. (L. 1923, Ch. 182)..	ActRep.‡	54,163	102,240	89.5	34.6	31.0
	Ref.	Regulation of public warehouses (L. 1933, Ch. 307).....	ActRep.‡	45,974	107,859	88.0	29.8	26.3
	Average.	.....	.....	.....	.....	91.8		
Tennessee	Ref. by Leg.	Proposal to hold constitutional convention.	Rej.	58,906	82,169	49.8	41.7	20.7

* Percentages computed on basis of vote for presidential electors. † Percentages computed on basis of vote for U. S. senator.
‡ Act repealed.

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Texas*	C. A. ...	Aid for Confederate Soldiers, their widows, etc.....	App.	203,563	79,872	43.6	71.8	31.3
Utah	.....	None submitted.						
Vermont*	C. A. ...	Procedure in filling vacancies in House of Representatives	App.	15,499	1,501	16.5	91.1	15.1
	C. A. ...	Person accused of crime, not punishable by death or life imprisonment, may waive right to jury trial	App.	15,377	1,684	16.5	90.1	14.9
	C. A. ...	Woman suffrage; eliminating word "male" from Constitution	App.	15,653	1,235	16.4	92.6	15.2
	C. A. ...	Men and women placed on equal footing as to age when they can be held as apprentices, etc., without consent	App.	15,617	2,025	17.1	88.5	15.1
	Average.	.....	.....	.....	.....	16.6		
Virginia	.....	None submitted.						
Washington ...	C. A. ...	Permitting the consolidation of the duties of two or more county elective offices in certain counties, and permitting classifying counties for this purpose	App.	137,093	129,003	68.1	51.5	35.1
	C. A. ...	Permitting change of harbor lines	Rej.	99,694	136,749	60.5	42.1	25.5
	Ref. by Leg.	Sale of other municipalities of surplus power of municipally owned electric plants (L. 1923, Ch. 87).....	Act Rej.	99,459	208,809	78.9	32.2	25.4
	Ref.	Prohibiting manufacture and sale of butter substitutes containing milk or condensed milk, etc., unless milk therein be pure milk from which no butter fat has been removed (L. 1923, ch. 22)	Act Rep.†	169,047	203,016	95.3	45.4	43.3
	Init.	Compelling children, 7–16 years, to attend the *public* schools	Rej.	158,922	221,500	97.4	41.6	40.7

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	Init.	Authorizing any city or town to sell electric current to any other public body or to any person inside or outside its limits	Rej.	139,492	217,393	91.4	39.0	35.7
	Init.	Limiting the aggregate annual rate of levy on real and personal property for general state, county, municipal and school district purposes to 40 mills	Rej.	128,677	211,948	87.2	37.7	32.9
	Average.					82.6		
West Virginia		None submitted.						
Wisconsin	C. A.	Forestry; state may appropriate not to exceed two-tenths of one mill for forestry purposes	App.	336,360	173,563	64.0	65.9	42.2
	C. A.	Home rule for cities and villages	App.	299,792	190,165	61.5	61.1	37.6
	C. A.	Authorizing additional circuit judges in circuits containing counties of more than 85,000 population	App.	240,207	226,562	58.6	51.4	30.1
	Average.					61.3		
Wyoming ‖	C. A.	Authorizing the levy of a severance license tax on mines and mining claims, based on actual value of gross output	Rej.‡	39,109	27,795	78.8	58.4	46.1
	C. A.	Authorizing the application of 33⅓ per centum of royalties arising from lease of school lands to the support of public schools	App.	50,903	17,942	81.1	73.9	60.0
	Average.					79.9		

* Percentages based upon vote for presidential electors; Vermont amendments voted on March 4, 1924. † Act repealed.
‡ Requires majority of votes cast in election. ‖ Percentages based on vote cast in election.

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Federal Relations.—Federal relations during the year were marked by the recrudescence of states rights and by an increasing practical demonstration of the interdependence of national and state administration and of the necessity of cooperation between the two. The submission of the National **Child Labor Amendment** (*cf.* p. 65) evoked significant manifestations of jealousy of state power. By the close of 1924 the amendment had been rejected by the legislatures of Georgia, Louisiana, and North Carolina, and accepted only in Arkansas. More interesting, however, than these legislative considerations was the advisory referendum in Massachusetts (*cf.* p. 90). The interest taken in this measure was greater than that shown with reference to the other six propositions submitted in the general election. Ratification was disapproved not only in every senatorial district, but even in every representative district.

The scheme of **federal subsidies** to states also evoked significant opposition. President Coolidge expressed disapproval, both in his budget message in December 1923 and in his address in 1924 before the National Business Organization. Private comment revealed the growth of opposition in the sections which seem to bear disproportionate tax burdens.[1] In Maryland the 1924 legislature passed a resolution condemning the scheme of federal aid because "in practically every case the work thus undertaken properly belongs to the several states and should be done by them without interference or control from a centralized government."

Prohibition has continued to present the problem of concurrent legislation and cooperative administration. The criticisms of Prohibition enforcement have not been wholly those directed by the national government against the failure of state cooperation. In Pennsylvania Governor Pinchot (October 14, 1923) blamed the national authorities for ineffective enforcement of the Volstead Act, and in particular directed criticisms against the policy of the Treasury Department. In October 1923 a special conference of state governors was convened at the request of the president, to discuss coordination in prohibition enforcement. It made no substantial changes in the existing machinery for cooperation.

On December 20, 1924 the president announced that he had called representatives of all of the states in which coal is produced to participate in a conference early in 1925 for the purpose, especially, of formulating cooperative plans for promoting **safety in mines.** The Sixteenth Annual **Governor's Conference** was held at Jacksonville, Florida, November 17, 1924.

[1] On Dec. 4, 1924, the United States Internal Revenue Bureau reported that, in the fiscal year of 1924, the four states of New York, Pennsylvania, Michigan, and Illinois, had paid $1,396,324,771, being 49% of the total internal revenue tax collected in the year, $2,796,179,257.

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Interest in **state administrative problems** has largely concerned administrative reorganization and departmental consolidation.[1] No constitutional amendments looking toward the abolition of elective offices were voted upon. **Missouri,** in a special election on February 26, 1924 (with only about one-fifth of the electorate participating) defeated nearly all of the significant proposals of the constitutional convention that had been in session from May 15, 1922 to October 6, 1923, including an amendment that provided for a four-year gubernatorial term and stipulated a maximum of twelve departments. In **New York,** general administrative reorganization has waited on the attempt, vigorously pressed by Governor Smith since 1923, to get through amendments on the reduction of elective state officers as a basis for departmental consolidation, on the four-year term, and on the executive budget. The latter two amendments failed in the Republican assembly in 1923 and 1924. The first-mentioned passed in 1923 and comes up for repassage in 1925. Amendments which lengthen the term of governor and attorney general from two to four years were adopted in **South Carolina**; the first, by 12,677 to 12,558, being favored by 50.2% of the total vote on the proposition, while only 49.7% of those voting for president took the trouble to vote on the amendment.[2] Such reorganizations as were actually accomplished were merely statutory, as indeed has been true of all prior consolidations except that of Massachusetts. **Pennsylvania,** under a law that became effective on June 15, 1923, has integrated some 105 independent agencies in 14 departments and three commissions, and its application has doubtless facilitated Governor Pinchot's proclaimed policy of exacting from all his chief subordinates an administrative "pledge" of loyalty to his administration. **Tennessee's** reorganization statute became effective on February 1, 1923, and on March 31, 1923 was sustained by the Supreme Court (*House v. Creveling*, 250 S. W. 357) against objections that, although largely procedural, did raise such broader questions as the doctrine of a constitutional separation of powers. The operation of the plan during its first year has been marked by the accumulation of a surplus sufficient to pay off $1,000,000 of the existing deficit, and has been attended by a reduction both of operating expenses and of the tax rate. **Vermont's** law of 1923, partly in force after May 1, went into full effect on July 1, 1923. In a number of other states, plans of admin-

[1] For a summary in terms of individual states, see A. E. Buck, *Administrative Consolidation in State Governments* (3rd. edition, August 1924), published by the National Municipal League, 261 Broadway, New York City.

[2] A similar amendment, raising the term of governor and other state officers from 2 to 4 years, was rejected in New Mexico by 21,369 to 26,972, with only 42% of the vote for governor cast for and against the proposition.

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istrative reorganization were considered or remained pending during 1923-1924: Kentucky and Virginia, where reports were made in 1924; Minnesota and Nevada, where reports have been in preparation for the 1925 legislatures; and Colorado, North Carolina and South Dakota, in which, despite failure to pass schemes presented in 1923, the renewal of their consideration in the sessions of 1925 has seemed likely. The Nevada Survey Commission's studies have raised the question of unicameralism.

The administrations of two state executives came to sudden ends in 1923-1924. Governor Walton of **Oklahoma** became involved in a violent controversy, due partly to the reaction against him of his former supporters in the Farmer-Labor Reconstruction League, partly to rumors of administrative irregularities, but chiefly to his attack upon the Ku Klux Klan that came to a head when he sent troops into Tulsa on August 14, 1923. By means of the constitutional initiative, the legislative leaders were able to propose a constitutional amendment, approved Oct. 2, under which the legislature was able to convene itself and proceed to the governor's impeachment. On Nov. 19, 1923 the Senate found him guilty of eleven of the twenty-two impeachment charges orginally presented. Mr. Walton later tried without results for redress in the courts and in 1924 ran unsuccessfully for the United States Senate on the Democratic ticket, losing his campaign on the issue of opposition to the Ku Klux Klan. On April 30, 1924 the governor of **Indiana**, Warren T. McCray, was sentenced to ten years imprisonment and a fine of $10,000 for fraudulent use of the mails.

In the general elections of 1924 **Wisconsin** and **Nevada** joined the slowly growing company of states that provide so-called constitutional **home rule** (*cf.* Wisconsin, Nevada and Arkansas, in table, p. 84). In addition to the legislation covered in the tables the **New York** legislature in 1924 passed an enabling act, framed by a commission constituted in the year before, in order to carry out the home-rule amendment of 1923. The act did not require the adoption of a new charter to bring a city under the home rule grant, nor did it contain the usual provision for a popular ratification of charter amendments, although providing an optional referendum on some classes of changes and requiring it on others. The cities proceeded slowly under the new system; no litigation had reached higher courts at the close of 1924, although many problems remained open. By the middle of November, 1924, a total of 85 local laws had been passed in 28 cities of the state under the new system.[1]

City-county consolidation continued to excite rather more discussion that conclusive action. In a special election in May, 1924, a scheme of consolidation for the City of Butte and Silver Bow County, Montana,

[1] *Second Report of Home Rule Commission.* New York Legislative Document, 1925, no. 72.

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was defeated, under a permissive statute passed in the preceding year. The City of St. Louis, which for many years has been bounded by and not part of St. Louis County, being coincident with no county, has found its limits inadequate and its interests overflowing into St. Louis County. An initiative measure adopted in 1924 by a vote of 477,776 to 385,516 (with both County and City affirmative) authorized three alternative plans for what is virtually expansion and consolidation. In Florida, on the other hand, a constitutional amendment which would have permitted a consolidation of local governments in Duval County (where Jacksonville comprises 91,558 in the county's population of 113,540) was rejected by 23,342 votes to 32.850 with 55.2% of those who voted for governor expressing an opinion on the amendment. Under a New York amendment of two years ago, a commission has been busy during 1923-4 in drafting a charter for Westchester County—the populous and richly organized county that bounds New York City on the north. The report will be submitted to the 1925 legislature, and will, it is thought, favor executive unification under a county president. Georgia, by a vote of 64,918 to 23,673, authorized consolidation of city and county governments in counties containing cities above 52,900; the communities affected are for the present Atlanta, Macon and Savannah.

The chief tendency in the field of **municipal government** since July 1923 was the continued steady progress of the city-manager form in cities, both large and small; the most interesting development was the adoption also of proportional representation in two great cities, an indication of the drift away from the idea of "mere business" in the make-up of city government, so prominent in the heyday of the still general, but slowly fading and little noted, commission plan. The cities in which the city-manager form has gone into effect during the period under consideration, or has been adopted without yet taking effect, have been as follows: in California, Berkeley (56,036), Compton (1,478), San Mateo (5,979), Stockton (40,296); in Florida, Fernandina (5,457), Palatka (5,102), St. Cloud (2,011) and Winterhaven (1,078); in Georgia, Waycross (18,068); in Kansas, Horsington (2,395); in Maine, Portland (69,272); in New Jersey for the first time under a recent optional city-manager law, Cape May; in Ohio, Cincinnati (401,247), Cleveland (796,836), Oberlin (4,236); in Oregon, Hillsboro (2,468) and Oregon City (5,686); in Texas, Austin (34,876) and Fort Worth (106,482); in Wisconsin, Two Rivers (7,305).

By the end of 1924, Cleveland had completed its first year under city-manager government and proportional representation, with a public attendance at council meetings estimated to be often above 500. Cincinnati has followed Cleveland in what was the most striking charter election of 1924.[1] The vote was approximately 92,000 to

[1] See W. J. Millard, "Why a New Government Was Proposed for Cincinnati,"

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41,000. The new form takes effect in January 1926 and will replace a mayor and council of 32 members by a city manager and council of nine, elected at large by proportional representation. At the close of 1924, city manager charters were awaiting an early referendum vote in Kansas City (without, however, the associated feature of proportional representation) and Minneapolis (with proportional representation to follow automatically after two years, if in the meantime its constitutionality has been established).[1]

Against these advances certain steps that are possibly retrogressive must be mentioned. City manager government was given up after three years by Akron, Ohio (208,435), in a special election, August 14, 1923, with 31% only of the registered voters participating, 7266 being in favor of and 7094 opposed to charter amendments which drop the city manager feature and go back to a mayor. Boston has dropped the feature of election at large of a small council, for which in part it has been notable since 1909. There will now be two, instead of three-year terms for councilmen; complete instead of partial renewal; and the holding of the municipal election at the time of the general elections in odd-numbered years. In addition, the legislature repealed the feature of election of a small council at large, leaving it to the city electorate in November 1924 to decide between the election of three councilmen at large in each of five boroughs, on the one hand, and on the other, election by wards (temporarily 26, with power to increase the number to 36). 51% of the voters left their ballots blank; 51,602 voted for the borough alternative, 56,202 for the ward plan. The return to the ward plan was also involved in the Los Angeles charter election, May 6, 1924, on a new charter submitted by a board of free holders. The chief features of interest were the use of boards of five to head each of the sixteen departments, the introduction of the borough plan, with advisory borough boards, and, on the social side, provision for municipal housing. The charter itself provided for a council of eleven elected at large, but an alternative proposal for election in fifteen wards was simultaneously submitted. The latter was affirmed by 88,328 to 53,008, but the main charter itself was favored by an even larger vote, 126,031 to 19,403, and will probably be held to have displaced the vote for the ward scheme.

TERRITORIES.—Politically, at least, the **Philippines** have appeared restless since the summer of 1923. A coalition of the Nacionalistas and the Collectivistas yielded a legislative majority against Governor

National Municipal Review, Nov. 1924, vol. 13, pp. 601-605; also L. T. Upson, *The Government of Cincinnati and Hamilton County* (Report to Republican Executive and Advisory Committee of Hamilton County, 1924).

[1] See William Anderson, "The Constitutionality of Proportional Representation." Supplement to the *National Municipal Review*, Dec. 1923, vol. XII.

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Leonard Wood. Something approaching a deadlock has been chronic. On July 17, 1923 the heads of departments and members of the council of state resigned as a protest against the governor's policies. The causes were numerous, but the governor's action in reinstating a secret service agent who had been on trial for charges was the immediate provocation most frequently mentioned. A broader cause of irritation was the disfavor with which, as a matter of underlying policy, Governor Wood viewed such government undertakings as the Philippine National Bank. On July 23, 1923 the immediate recall of the governor was requested in a resolution passed by both houses of the Philippine legislature in joint session. The War Department, however, cabled its support of General Wood. The Philippine legislature was in session again from October to February, 1924, and the friction already occasioned by the use of the veto power was renewed. On January 9, 1924 charges of maladministration were lodged by the Philippine legislature with Congress. An Independence Commission headed by Manuel Roxas, speaker of the Philippine House, visited the United States. On March 6, 1924 President Coolidge made formal reply by letter. "The Philippine people are by no means equipped, either in wealth or in experience," he said, "to undertake the heavy burden which would be imposed upon them with political independence." In the meantime, the right of the Philippine legislature to appropriate public funds to agitate for independence had been questioned and denied by a ruling from the Attorney General of the United States. The issue of Philippine independence was present (although little noted) in the presidential campaign by reason of the sharp difference between the major party platforms in this regard. The reaction of the Republican victory upon the course of agitation in the Philippines was still problematical at the close of the year. On November 19, 1924, however, the members of the legislature, meeting as the Philippine Independence Commission, adopted a resolution in favor of immediate and full independence. The whole situation received active consideration by the Congress during 1924. Hearings were held by the House Committee on Insular Affairs; a special commission composed of the leaders of the Philippine parties participated in these hearings, and there were indications that an agreement might be reached in connection with the redefinition of the intention of the United States in new organic legislation.

Changes in the organic act of **Porto Rico** were also agitated, but largely in the direction of statehood, without representation in Congress. A delegation of Porto-Ricans, including Governor Towner, came to the United States early in 1924 to present demands along these lines. In connection with **Alaska,** so far has the idea of a decentralized, locally integrated control of its resources been dropped that on June 6, 1924, a law of Congress was approved which extended the authority of the Secretary of Commerce over fisheries.

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III. LATIN AMERICA

PAN-AMERICAN RELATIONS.—The declaration by the United States delegation at the Santiago Conference (The Fifth Pan-American Congress, see last RECORD, p. 21) that the **Monroe Doctrine** was unilateral, followed by the celebration on December 2, 1923, of the hundredth anniversary of the pronouncement of the Doctrine, afforded occasion for a widespread discussion of the meaning of the Doctrine, both in the United States and in Latin America.

The vitality of the doctrine was strongly asserted by Secretary of State Hughes in his address before the American Bar Association at Minneapolis. It is significant that he insisted on the essentially defensive and unilateral character of the doctrine:

> As the policy embodied in the Monroe Doctrine is distinctly the policy of the United States, the Government of the United States reserves to itself its definition, interpretation and application.
>
> This implies neither suspicion nor estrangement. It simply means that the United States is asserting a separate national right of self-defense, and that in the exercise of this right it must have an unhampered discretion.
>
> So far as the region of the Caribbean Sea is concerned, it may be said that if we had no Monroe Doctrine we should have to create one. And this is not to imply any limitation on the scope of the Doctrine, as originally proclaimed and as still maintained, but simply to indicate that new occasions require new application of an old principle which remains completely effective.[1]

These words were interpreted by a Venezuelan publicist, Sr. Jesús Semprum, in an article published by a number of leading Latin-American periodicals, as an open declaration that the United States would pursue the "big stick" policy, occupying what territories they desired, and enforcing their political and economic sovereignty. On the other hand, Secretary Hughes in his speech before the Republican State Convention of New York on April 16, 1924, expressed the optimistic opinion that during the last three years the United States "have been able to convince the Governments and the peoples of the American Continent, not only by our declarations, but by outstanding example, that ours is a government respectful of their rights as well as regardful of our own."[2]

[1] 1. *Amer. Jour. Int. Law,* vol, XVII, pp. 611-618. *Cf.* W. R. Shepherd, "The Monroe Doctrine Reconsidered", POL. SCI. QUAR., vol. XXXIX, pp. 35-66.

[2] In an article in the *Atlantic Monthly,* July 1924, the author of the present résumé expressed a different opinion from that of Secretary Hughes, stating his belief that: "In these smaller countries of the South, controlled by our soldiers, our bankers, and our oil kings, we are developing our Irelands, our Egypts, and our Indias. We are piling up hatreds, suspicions, records for exploitation and destruction of sovereignty in Latin America, such as have

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One of the most widely discussed of Pan-American questions recently is that of **loans by American bankers to Latin-American governments**, often under conditions which make the government of the United States or American agents of the bankers responsible for collection of customs or otherwise influential in the internal life of the country. In 1924, the Department of Commerce announced that: "Six hundred and ten million American dollars are invested in Latin-American public securities and $3,150,000,000 more in Latin-American industries. Besides this great amount, we did a trade with Latin-America last year (1923) amounting to $1,844,000,000." Among the largest of these **recent loans** are those to Haiti, $16,000,000; Bolivia, $24,000,000; Cuba, $50,000,000; El Salvador, $6,000,000; Peru, $7,000,000. The **Haitian loan**, arranged through the Department of State, was protested by the Haitian-Dominican Independence Society as illegal because it was based on "military invasion of United States military forces.... Imposition of treaty through 'military pressure' (words of Admiral Caperton) etc." As to the **Cuban loan**, the bankers announced it as "issued with the acquiescence of the United States Government," and press despatches reported, that while the executive department of the Cuban Government in trying to straighten out its finances was considering a foreign loan, certain Havana papers charged that American financiers were attempting "to force on Cuba another $15,000,000 obligation in order to bring the country completely under their control, open the way to fiscal intervention and place the island in the same category as Haiti, Santo Domingo, Nicaragua, and Panama."[1] The **Bolivian loan** not only pledged customs to pay the loan, but put the collection of all the taxes and revenues of the country under the supervision of a Fiscal Commission of three persons, two of whom are North Americans, representatives of the bankers. The **Salvadorian loan** agreement provided for the collection of the customs by an American Agent of the New York bankers, and the reference of any differences between the lender and the borrower to the Secretary of State of the United States, who in turn agreed to refer the question for final arbitration to a justice of the Supreme Court of the United States. The bankers in advertising the loan stated: "It is simply not thinkable that, after a Federal Judge has decided any question or dispute between the bond holders and the Salvador Government, that the United States Government should not take the necessary steps to sustain such decision. There is a precedent in a

never failed in all history to react in war, suffering, and defeat of high moral and spiritual ideals. Only in the United States do the press and the people ignore how our economic imperialism is eliminating friendships and fostering suspicions."

[1] *New York Times*, July 15, 1922.

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dispute between Costa Rica and Panama, in which a warship was sent to carry out the verdict of the arbitrators." [1]

Financial relations between American bankers and **Peru,** about which the exact facts are not at all easy to ascertain, resulted in the protest of President Leguía to the Department of State concerning actions of the New York firms. On October 10, 1924 there was announced the flotation of a loan of $7,000,000, part of a $25,000,000 project, by New York interests, the bonds guaranteed by certain national revenues to be collected by the North American Company.[2]

United States citizens, either government officials or representatives of bankers, are now collecting revenues in Santo Domingo, Haiti, Nicaragua, El Salvador, Peru and Bolivia. North American financial advisers are permanently employed or financial missions have recently visited Cuba, Panama, Nicaragua, Guatemala, Colombia, Ecuador. While no fair observer could question the able service rendered by many North American specialists, neither can one ignore the growth in Latin-America of sentiments such as those expressed in the following extract from a Latin-American publication: "Today the principal arm of imperialism in capitalistic America is the loan, its accompanying technical mission, collector of customs and the consequent direct intervention of foreigners in the domestic business of the debtor." [3]

The United States Senate has recently taken cognizance of this situation and, following addresses by Senator Borah and others, Senator Ladd introduced a bill (December 2, 1924) providing that United States government officials be prohibited from (1) "engaging the responsibility of the Government of the United States to supervise fulfillment of financial arrangements between citizens of the United States and foreign governments or (2) giving official recognition to any arrangement which may commit the Government of the United States to military intervention in order to compel the observance of alleged obligations, or to deal with any such arrangement, except to secure settlement of claims through ordinary channels of law." [4]

Several important actions by the United States Government, during this period, have shown its desire to better Pan-American relations. Negotiations for the **withdrawal of the marines from Santo Domingo** were begun by President Wilson, but agreement on terms was not then reached. However, in the summer of 1923 a provisional government, agreeable to the heads of the three leading political parties, was set up and in March 1924 a permanent president and congress were elected. This was part of the plan agreed upon by the two countries,

[1] *The Nation,* vol. 117, no. 3042.

[2] *New York Times,* October 10, 1924.

[3] *Reportorio Americano,* San José, Sept. 3, 1923.

[4] S. Con. Res. 22, 68th Congress, 2nd session.

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which also called for the ratification of most of the acts of the United States Military Government, which had ruled the country since 1916, and the continuance of the collection of the customs by United States officials. Announcement was made of the withdrawal of marines from **Nicaragua,** where improved financial conditions had enabled the Government to buy back the railroad and the national bank.

The **Tacna-Arica dispute,** the Alsace-Lorraine question of South America, which had been referred to the League of Nations but withdrawn because of the Monroe Doctrine, was submitted to President Harding for arbitration. Both Chile and Peru presented their arguments in good spirit and there seemed to be—at least before the decision has been rendered—a better feeling among all concerned. The decision is expected in the spring of 1925.

The **recognition of the Mexican government** by the United States, held up for three years because of American property interests, was finally granted on August 30, 1923, in pursuance of the agreement reached the preceding spring (*cf.* last RECORD, p. 64).

The prompt adoption by the United States Senate of the **conventions signed at the Santiago Conference** (*cf.* last RECORD, p. 22) was no doubt significant of a desire to gain the good-will of Latin-America. Four of these conventions were commercial, applying to bettering relations as to customs, trade marks etc. The fifth was a treaty proposed by Sr. Gondra of Paraguay providing for a commission of inquiry to be set up when any two nations of America might find themselves in disagreement, with the promise that they would delay at least a year before the beginning of hostilities.

A number of **important Pan-American conferences** were held in 1924: the Pan-American Conference on Electrical Communication, held in Mexico City, in May; the Pan-American Child Welfare Conference in Santiago, in October; the Pan-American Sanitary Conference in Havana, in November; the Pan-American Scientific Congress in Lima, in December. Besides representative North American delegations attending these gatherings, a number of commercial delegations visited Latin-America (the most important one being the one to Mexico in October) and United States government officials, notably Secretary of Labor Davis and General Pershing, went on special missions of courtesy or of investigation.

Relations between Latin-America and Europe, always friendly, but largely cut off during the World War, have recently been greatly strengthened. Spain has made several important moves to increase the Pan-Hispanic movement, especially through the *Día de la Raza* (Day of the Race). Italy, through the visit of Prince Humbert, has largely increased her prestige. The King of Spain and the Pope developed plans for joint promotion of closer relations with Latin-America. The Fourth Assembly of the League of Nations elected, to

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succeed the Chilean president of the Third Assembly, a Cuban diplomat, Sr. Cosme de la Torriente. Two out of the six elected members of the Council of the League were named from Brazil and Uruguay. Latin America also has two out of the eleven judges on the World Court. Argentina renewed her connections with the League of Nations by paying her back dues and Santo Domingo, immediately on the evacuation by United States troops, applied for admission and was accepted. Only Mexico and Ecuador are not members. Brazil was the first country (1924) to name a special permanent ambassador to the League at Geneva. A representative of the League, depending on the warm friendship of Latin-America, went to South America to attend the Santiago Conference, but on learning the attitude of the United States, remained in Montevideo.

POLITICAL AFFAIRS. — While it is true that Latin America is learning to solve her problems by social evolution rather than armed revolutions, the year 1924 witnessed uprisings in Brazil, Bolivia, Chile, Cuba, Honduras, Mexico, Peru and Venezuela. Only those of Brazil, Mexico, Chile and Honduras were serious.

The most serious of these revolutions, though the only bloodless one, was in **Chile.** Chile has been ruled largely by an oligarchy of about a hundred families who have been both the owners of the land and the directors of the political and commercial life of the country. But in 1920 a middle-class president, Sr. Arturo Alessandri, was elected on a platform of currency reform, income tax, protection of national industries from foreign aggression, various solutions for social evils, the protection of women and children, prohibition, parliamentary reforms, and the separation of Church and State. President Alessandri soon found his reforms blocked by the conservative landlords and church officials. Elections of senators and other officials early in 1924 were the signal for this controversy to flare up into one of the bitterest political fights of history. Sr. Alessandri, breaking all precedents, took the stump himself and succeeded in getting a bare majority of his own party elected. Both sides of the controversy entered into an agreement which it was thought would work out a harmonious program. The Senate then passed the entire program of political, parliamentary and constitutional reforms recently demanded by the president. Cabinets and legislative bodies have sometimes changed with too great frequency in Chilean history. To stabilize legislative bodies a law was enacted providing that the president might dissolve the lower house of Congress once only during his term of office and that thereafter votes of confidence were to be confined to the lower house. This compromise proved only a lull in the conflict. The Military Club of Chile, which resented Sr. Alessandri's endeavor to reduce army budgets, called on him and demanded an increase in officers' pay, along with other so-called "reforms." They revealed

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their hand by forcing first a reorganization of the cabinet and later the resignation of the president himself. The Senate, which now counted a slight majority of the reform or "radical" party, refused to accept the resignation, but offered Sr. Alessandri six months' leave of absence. He then took the train to Buenos Aires and later departed for Paris. The Military Government succeeded in improving the financial condition, but in spite of their strong arm, much dissatisfaction is in evidence. The United States has refused to recognize the new government and its future is not clear at this writing.[1]

President Obregon, General Plutarco Calles and Sr. Adolfo de la Huerta were the members of the Sonora triumvirate which has ruled **Mexico** since the downfall of Carranza in 1920. Sr. de la Huerta gradually became estranged from President Obregon's courageous and constructive policies. In the autumn of 1923 Sr. de la Huerta, resigning from the cabinet, became a candidate for the presidency, in opposition to his former colleague, General Calles, who was favored by Obregon. Alleging that the federal government was using its power to prevent a fair electoral contest, Sr. de la Huerta in December drew the sword against his former friends. His followers seized control of a number of states, and civil war ensued. Only by dint of protracted fighting did President Obregon defeat and disperse the rebel forces, during the winter and spring. The de la Huerta revolt was, above all else, an endeavor of the military and conservative forces to regain control of Mexico. That this expectation was not realized in the case of the de la Huerta revolt, perhaps the first important exception in the history of Mexican army betrayals, was due to the unique character of the Obregon administration. By a stern but intelligent handling of the military problem, the stimulation of orderly popular organization, respect for native and racial ideals, and a serious attempt to solve the agrarian problem, Obregon had won the support of the "patriotic" militarists, of the more enlightened landed proprietors, of the forces standing for orderly government and effective social control, of organized labor and peasant groups and of the various Indian "nations," such as the Yaquis and Nahuas. Thus in four years the government had built up a real national and social solidity. For practically the first time in the history of Mexico a truly popular government became sufficiently entrenched to withstand a serious insurrection. For the first time in Mexican history a government has arisen sufficiently strong to protect the popular gains and preserve the popular aspirations. It was during this revolution that the United States government set an important precedent by selling the Mexican government arms in order to help suppress the revolution.

[1] Just as these pages go to press, President Alessandri has been invited to return to Chile to re-establish civil government and has begun his return journey from Italy.

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General Plutarco Elias Calles pledged himself during his campaign for the presidency that, if elected, he would respect the principles that have nourished the Obregon régime. The presidential elections occurred peacefully in July 1924, de la Huerta having fled the country, and General Calles was easily elected. He took office on December 1, 1924, when for the first time in Mexico's memory the retiring and incoming presidents took friendly part in a presidential inauguration.

The revolt in **Brazil** broke out suddenly in the large commercial city of São Paulo on July 5, 1924. At first it seemed to be one of the old style military uprisings, led by the small military clique that had so often threatened Brazil from the time of the establishment of the republic. The revolting garrison at São Paulo expected other garrisons to follow suit. While the government was able to prevent this, the suppression of the uprising proved to be most difficult. After practically a month's hard fighting in São Paulo, which did much damage and killed many civilians, the rebel forces scattered and disturbances have continued from time to time up to the new year. A very strict censorship has been maintained, but word reaching the United States recently indicates that the revolt implies not simply the action of a military faction but a considerable dissatisfaction of the young progressive element with the lack of real democracy in the present government of Brazil.

In **Honduras** the stormy elections of 1923, followed by a futile attempt of the Congress to choose a president, led to an outbreak of civil war early in 1924. After President Gutierrez had been overthrown, the contest between rival aspirants to the presidency continued, until Mr. Sumner Welles, representing the United States, and cooperating with the four neighboring Central American nations, brought about an agreement among the contending factions, in May. General Vicente Tosca was then selected as president, and order was restored.

In **Nicaragua** a new electoral law, drafted by Dr. H. W. Dodds of the National Municipal League, was adopted and applied in the presidential elections of October 1924, when Sr. Carlos Solorzano, Conservative-Republican, was chosen president. In place of the American marines who since 1912 had been stationed at Managua as a stabilizing force, it was planned to substitute a native constabulary trained by American officers.

In **Cuba** the presidential elections held on November 1, 1924, gave the Liberal candidate, General Machado, 185,296 votes as against 126,825 for ex-President Mario Menocal, Conservative. As usual there were charges of fraud, but the fact that the defeated candidate did not resort to arms was considered as evidence of the country's progressive political development.

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IV. THE BRITISH EMPIRE

GREAT BRITAIN: The Labor Government and the General Elections. — The year 1923-24 resembled 1910, an *annus mirabilis* of English politics, in that there were two **general elections** within twelve months. Mr. Stanley Baldwin, the prime minister, had a comfortable Conservative majority at the close of the parliamentary session in August 1923. The parties stood: Conservatives, 344; National Liberals, 61; Liberals, 53; Labor, 142; Independent, 12; National party, 2; Sinn Fein, 1. No more than ordinary domestic clouds were on the political horizon and while in foreign affairs, due largely to die-hard influences in the Conservative party, some questions were becoming acute, they were not likely to cause an early change in the government. Mr. Baldwin, however, decided to propose protection (*cf.* p. 129). His party could not put tariff legislation through the House of Commons without an appeal to the electorate and so he decided to ask the king to dissolve the thirty-second Parliament (since 1800). This was done on November 16, 1923 and an election followed.

The Conservatives had a majority of 75 in the House of Commons but this was wiped out by the change of 300,000 votes in a total poll of 14,000,000. In 1922 the Conservatives had been in a minority of one and a half millions in the country. At the 1923 election they lost only 25,000 votes but 88 seats. The reason for this debacle in the House of Commons was the fact that at the election of November 1923 there were 252 constituencies with more than two candidates. In all but 45 of these the winning candidate failed to receive a majority of the vote. Nine constituencies returned two members; so there were as a result of the election 215 minority members in the House of Commons. Against Mr. Baldwin's proposal of a tariff the two branches of the Liberal party united. This joining of their forces resulted in Conservative seats going to Liberals or to Labor members. Sixty seats were won by pluralities of less than 500. It is obvious that under these circumstances the change of a few votes in particular districts changed the representatives and thus, without any marked swing of opinion in the country, there was a striking defeat of the Conservative party. After the election the balance of parties stood: Conservatives, 258; Liberals, 159; Labor, 191; and Independent, 7. Curiously enough, however, the anomalies of the election corrected each other in an astonishing fashion. Each party had seats in the House of Commons in proportion to its strength in the country. The average number of votes necessary for each seat was nearly the same for all parties. It ranged from 29,348 per seat for the Liberals to 23,981 votes per seat for the Labor party.[1]

Mr. Baldwin's resignation was deferred until Parliament convened. This followed Lord Salisbury's precedent in 1892. There was a

[1] For the disproportionate results of the previous election see Humphreys, *Practical Aspects of Electoral Reform* (London, 1923).

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probable anti-Conservative majority in the House of Commons but it was not certain. Mr. Baldwin might not be defeated on the Address. To wait for the meeting of Parliament was the general practice before 1868. When Disraeli was defeated in that year, however, he at once resigned, and when Gladstone was defeated in 1874 he followed the same precedent, although he had some doubts as to its constitutional correctness. But in 1923, with three strong parties in the House of Commons, with no one having a majority, and with two ex-premiers as members—Mr. Asquith and Mr. Lloyd George—there was no certainty. There was much discussion of some form of a coalition government to exclude the Labor party from office, and the only certain feature of the election was that the country had pronounced decisively against a protective tariff. Parliament met on January 8 and Mr. Baldwin went out on an amendment to the Address declaring it to be essential "that Your Majesty's government should possess the confidence of this House and of the country." The king sent for Mr. James Ramsay MacDonald, who formed a government. It took office on January 22 and lasted a little under eight months.[1]

Cabinet government with no one party controlling the House of Commons raised **constitutional questions** which were discussed on the platform and in the press. First of all there was the question of the king's choice of a premier. This decision, which is one of the few which the Crown can make without its responsibility being covered by the advice of a minister, might be used against a particular party when the manifestations of opinion in the House of Commons could not be completely authentic for the reason that no party had a majority. The king, however, had settled this matter by sending for Mr. MacDonald and there was little danger that there would be a reversion to the practice of the predecessors of William IV who allowed personal bias and party predilection to influence the choice of a premier. A three-party system simply meant that the king might have an increasingly difficult task in ascertaining and weighing the fetters on his discretion, which, after all, is the discretion of the House of Commons. The king, in other words. simply appoints the prime minister who is nominated by the House of Commons.

A more difficult question was raised in respect of the king's prerogative of dissolving Parliament and ordering a new election. This is

[1] Mr. MacDonald was first lord of the treasury and foreign secretary and the principal other offices were held as follows: lord chancellor, Viscount Haldane; chancellor of the exchequer, Philip Snowden; home secretary, Arthur Henderson; colonial secretary, J. H. Thomas; secretary of state for war, Stephen Walsh; Indian secretary, Lord Olivier; first lord of the admiralty, Viscount Chelmsford; secretary of state for air, Lord Thompson; president of the Board of Education, C. P. Trevelyan; minister of health, J. Wheatley; president of the Board of Trade, Sidney Webb.

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exercised on the advice and at the request of the cabinet. The question was as to the king's freedom of choice: Must he always follow the advice of his ministers? May he be an active agent in forcing or preventing a dissolution? On December 18 Mr. Asquith argued that "the notion that a minister, and particularly a minister who cannot command a majority of the House of Commons, who is in a minority of thirty-one per cent, is invested with a right to demand a dissolution, is as subversive of constitutional usage as it would be pernicious to the general and paramount interests of the nation at large." But on the king's prerogative of dissolution depended the Labor party's hope of a government which would not be still-born, and Mr. Asquith's hope of office was probably father to his thought on the constitutional question. He desired to overturn Mr. Baldwin, put in Mr. MacDonald and then, when the occasion was ripe, join with the Conservatives to defeat Mr. MacDonald, with the king refusing a dissolution and sending for Mr. Asquith to form a new government. The weightier constitutional opinion in this discussion, however, was that the king could hardly refuse a dissolution to the Labor Government when it asked for it; that certainly if he had any discretion in the matter it would be unwise to exercise this discretion for the first time since William IV against the Labor party. Eight months later the matter was settled with no discussion of the constitutional point. Mr. MacDonald was defeated and asked for a dissolution which the king apparently granted as a matter of course.[1]

The third question which was acute was in respect of the cabinet's control of the House of Commons. One of the most striking and generally regretted tendencies of parliamentary government in recent years has been the increasing power of the cabinet over the House of Commons. This has been possible only because governments commanded comfortable majorities. The three-party system was certain to work a material change in this balance of power. Mr. MacDonald announced at once that the tenure of cabinets would be determined by administrative success rather than by force. He said that cabinets would become more public servants than public dictators. It was true, also, that, as has been the case in multiple-party chambers on the continent of Europe, much attention would have to be devoted to political maneuvering and to making programs palatable to the opposite groups. Certain it was, too, that the Labor Government was not intending to proceed on the theory that it must win on every division and that if it listened to criticism and modified its proposals it would thereby lose in prestige. Mr. MacDonald was defeated in the House of Commons ten times between February 12 and August 7

[1] The point is most ably discussed by Harold J. Laski, *The Position of Parties and the Right of Dissolution* (Fabian Society, 1924).

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when Parliament adjourned.[1] Among the measures on which he suffered defeat were finance and unemployment—matters which would usually have been considered as involving the question of confidence. The Labor Government also granted a free vote on several questions. One of these was the resolution (which the House defeated) in favor of imperial preference. This had been approved by the last imperial conference. Mr. MacDonald also promised that the House could act upon the Anglo-Russian treaty as it saw fit. But here his generosity was overtaken by the march of events and the fall of his Government.[2]

Almost from its outset **the MacDonald Government** was confronted by a number of **labor troubles.** In January there was a strike by the railway engine men; in February a dock strike; from March 22d to 31st a London traffic strike; on February 19th 7,000 shipyard workers of Southampton struck, without the sanction of their union. There was also an unofficial strike of railway shopmen and workers in London, and a strike in the coal industry was averted by action within the industry itself. During the first month of the Labor Government 629,000 working days were lost through trade disputes as against 68,000 working days for the first month of the Tory Government of 1922-1923. But this was abnormal, and a comparison of the fifth months of the two administrations shows 834,000 working days lost in 1923 as against 398,000 lost in 1924.

The Labor Government's first moves were in **foreign affairs,** for here, while Lord Curzon had made some use of the free hand which he was allowed following the dissolution of Parliament and Mr. Baldwin's electoral preoccupations, there was immediate need for general improvement, and all parties were willing to follow an intelligent and pacific lead. On behalf of the Government, it was announced on March 18th that the **Singapore Base** (*cf.* p. 128) would not be proceeded with. The Labor Government did not take the view that this base would be a violation of the agreement of the Washington Conference nor did it deny its strategic value; the ground for ceasing its construction was that it would impair confidence in the Labor Government's pacific intentions. The House of Lords passed a resolu-

[1] On April 1 the Conservative sections of the House of Commons carried a motion condemning the capital levy—a cardinal point in the Labor party's program.

[2] The solidarity of the Labor Cabinet was sometimes more apparent than real, but that is familiar to English parliamentary practice from previous administrations. Mr. Wheatley, the minister of health, issued his "Poplar" order without consulting the Cabinet and Mr. Arthur Henderson, the home secretary, in a by-election speech, suggested the need of revising the Treaty of Versailles. This pronouncement had to be disavowed by Mr. MacDonald in the House of Commons. The Campbell prosecution, furthermore, which led to the fall of the Government, was another instance of the lack of cabinet control.

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tion regretting the decision, but in the House of Commons the Government had a majority of 76 votes. The Labor Government reduced the army estimates by £7,000,000 and the navy estimates by £2,200,000. The estimates for the air services were increased by £2,500,000.[1]

One of Mr. MacDonald's first acts in foreign affairs was to give *de jure* recognition to the Soviet Government. This was done on February 2d, and on April 14th an Anglo-Russian Conference began in London to consider treaties, debts, trade relations and other matters. A **treaty with Russia** (*cf.* p. 25) was finally signed on August 8th, and in spite of the fact that it was not inaccurately described by a wit "as an agreement to agree, if and when the parties could agree to agree," it roused the antagonism of the Conservatives and the Liberals. The feature of a government-guaranteed loan to Russia was particularly objected to.[2]

At the same time, Mr. MacDonald began to work for improvement in **Franco-British relations.** Several exchanges of notes with Poincaré were published in February and May. Their tone was quite different from the communications of Lord Curzon. Mr. MacDonald ruled out force as a threatened sanction for his diplomatic policy, and while some of his letters gave the impression of being chiefly important in respect of amenities and leaving untouched differences which really existed between the two governments, the international atmosphere cleared and relations between England and France were immeasurably improved. "The circumstances were favorable for a trial of diplomatic pacifism . . . Great Britain is disarmed and has no immediate intention of going to war under any Government, Labor, Liberal, or Tory. Where Mr. MacDonald scored was in turning this fact into an asset, instead of allowing it to cripple his diplomacy. . . . He frankly placed his faith in international good will." [3]

These negotiations with France paved the way for the presentation of the reports of the "Dawes" and "McKenna" experts to the Reparation Commission on April 9th (*cf.* p. 30). The London Conference (*cf.* p. 33) began on July 16th (with Herriot as the new

[1] Mr. Snowden's budget which was based in part on the plans of the preceding Government reduced the tea duty from 8d to 4d per pound, and also made considerable reductions in the duties on sugar, coffee, cocoa and dried fruits.

[2] One interesting feature of the negotiation of the treaty was the intervention of private members of the Labor Party to resuscitate the settlement after the negotiators had apparently reached an impasse. Mr. Morel and Mr. Lansbury stepped into the breach as intermediaries between Mr. Ponsonby and Mr. Rakovsky, and after Mr. Ponsonby had announced to the House of Commons that no agreement was possible, he was able to announce that an agreement had been reached. For a full analysis of the treaty, see George Glasgow, *MacDonald as Diplomatist,* p. 182 (London, 1924).

[3] Glasgow, *op. cit.,* pp. 32-33.

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French prime minister) and the serious work of European recovery was entered upon. Negotiations, however, were handicapped by the fact that all three Governments were based on minorities in their legislatures. Mr. MacDonald was probably the strongest prime minister, for only the "Diehards" objected to his policy. M. Herriot was far from secure, and M. Poincaré's influence continued in the press and in the bureaucracy. If Herriot failed to watch his step, he would be overthrown by the Chamber. In Belgium a Cabinet change during the Summer of 1924 was never unlikely, and in Germany the Government supported by the Left and Center was weak. There was a violent Nationalist opposition ready to encompass its downfall if there was too great a concession in the application of the Dawes Report.

Mr. MacDonald's dependence in office on the sufferance of the Liberals made him unable to put any distinctively **Labor party legislation** into effect. A Bill for the Nationalization of Mines and Minerals was introduced on May 16th, and was defeated by a vote of 264 to 168; but this was for a gesture rather than for gestion. A bill to permit women to vote at the age of 21 (instead of 30 as under the Representation of the People Act of 1918) passed a second reading in the House of Commons, but failed to get on the statute books. The enactment of this measure (which appears at every Parliamentary Session) would mean that the women voters would outnumber the men by several millions. In respect particularly of unemployment, housing, pensions and education, the Labor Government showed much more interest and advanced a trifle further than its Conservative predecessor, but its inability to reach a millennium by legislation made its Left Wing slightly impatient.

Nevertheless **important legislation** was passed. Acts placed on the statute books dealt with the following matters: the regulation of agricultural wages; giving effect to a protocol on arbitration clauses signed at the 1923 League of Nations Assembly; the annual army and air force act and auxiliary air force reserve act; authorization to the trustees of the British Museum to lend objects from the Museum for public exhibition; giving effect to a draft conveyance relating to bills of lading; amending the law of conveyancing in Scotland; regulating registrars of the country courts; making provision for housing; providing for the improvement of the regulation of traffic in London; consolidating the law relating to health insurance; amending the National Health Insurance Act with regard to the cost of medical benefits; amending the Old Age Pension Act; extending the powers of the Pacific Cable Board; amending the Trade Facilities Act; ratifying the Treaty of Lausanne and amending the unemployment insurance acts and the Workmen's Compensation Act. This enumeration of course does not include the consolidated fund and appropriations acts, nor the finance act dealing with customs and excise

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(Part I), inhabited house duty (Part II), and the corporation profits tax and the stamp duties (Part III). Several laws were passed dealing particularly with local government and relating to such matters as education in Scotland, customs in the Isle of Man, and poor law emergency. A total of forty statutes was placed on the books at this session of Parliament.[1]

The **Trade Union Congress** held its annual meeting at Hull in September. It voiced the opinion of 4,000,000 organized workers. It readopted its old program calling for the nationalization of lands, mines and railways, a minimum wage in each industry, old-age pensions, more adequate provision for the unemployed, fuller educational facilities, a 44-hour week and better housing. The Congress received delegates from Moscow, but refused to accede to their suggestion that it should work for an international organization of all trade union bodies including those affiliated with Moscow. In the latter part of September, the annual **National Conference of the Labor party** was held, and defeated by an overwhelming majority the application of the Communist party for affiliation.

Two major issues worried Mr. MacDonald's Government when Parliament adjourned on August 7. These were the Anglo-Russian Treaty and the **Irish boundary dispute.** The first was the more important, for as it turned out, the bill authorizing the British Government to appoint the Ulster representative on the Boundary Commission in case Ulster refused was passed on September 30, in spite of the opposition of Ulster Conservatives. The **Anglo-Russian treaty** (*supra*), however, embarrassed the Labor party and the attitude of the Liberal party was for out-and-out rejection. The Liberal party held a meeting on October 1 at which Mr. Asquith put down a motion opposing the treaty, and with the Liberals taking this attitude it was certain that MacDonald could get the treaty through the House of Commons only by consenting to such emasculation as would make the Russians repudiate the agreement.

This, however, was not the occasion for the fall of the Labor Government. This event occurred on what was characterized as a "tinpot" issue, namely, **the Campbell case.** In August, an editor of a

[1] *The Liberal Magazine,* September 1924. It is interesting to compare this amount of legislation with that passed by the American Congress. See above, p. 64. The legislative activity of the French Parliament can be gauged from the following summary of the period from December 8, 1919 to July 12, 1923. In these three years and a half the Chamber held 756 public sessions and took 897 record votes. Of the 3934 legislative proposals which were considered 1563 became law. There were 736 demands for interpellations and 250 were discussed. The members of the legislature addressed to different ministers 18742 written questions and received 6441 petitions. *L'Oeuvre de la Chambre des Députés,* p. 20 (Paris, 1924).

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Communist paper, *The Workers' Weekly,* was arrested and charged with having published an article which was seditious. The charge was later withdrawn upon instructions from the attorney general, and the Communist party issued a statement to the effect that the withdrawal of the charge "was made upon the sole responsibility of the Labor Government under severe pressure from Labor Members of Parliament." The Labor Government failed to make adequate explanation in reply to the allegation that the administration of justice had been interfered with by political pressure of the radical wing of the party, and when the House of Commons met on September 30, Mr. Baldwin gave notice of a motion of censure. The Liberals refused to support this motion, but announced an amendment so as to secure a Parliamentary investigation into the case. The Government refused to agree to either proposal, and declared that it would consider the acceptance by the Commons of either motion as an expression of lack of confidence. The Conservative motion of direct censure failed by a few votes, but the Liberal amendment for an inquiry was carried by 364 to 198. Only 12 Liberals voted with the Labor party. Instead of resigning, Mr. MacDonald advised the king to dissolve Parliament.

The Campbell case would not have developed into a serious issue but for questions which were answered by the attorney general in such a manner as to excite resentment and suspicion. Even then Mr. MacDonald could have avoided further difficulties on this point. He could have consented to an investigation and remained in office. In the case of the Russian treaty, to be sure, it would have been necessary in Mr. MacDonald's phrase, "to eat out of Mr. Asquith's hand" and the Labor party was justified in complaining that the Liberals were not willing simply to give their support on matters which they approved, but wished to be the real directors of the Labor Government. On the other hand, the Liberals naturally complained that Mr. MacDonald was unwilling to cooperate with them. One result of the incident is that for a considerable time at least, Liberalism will refuse to cooperate with Labor in forming a Government.

Some English critics have professed to think that Mr. MacDonald's decision to dissolve was unfortunate, and attributable to personal vanity—unwillingness to admit that the Government had erred in originally authorizing the prosecution of the Communist editor. Mr. MacDonald had been perhaps the best foreign secretary in a quarter of a century. His foreign policy was thwarted only in respect of the Russian treaty; a promise of European recovery under the Dawes Plan was his great achievement. In domestic affairs, he had been less successful. Here he was more dependent on the support of the Liberals and was never allowed to forget that he lived at 10 Downing Street only so long as they did not care to eject him. The compromises which this situation demanded were doubtless galling to

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Mr. MacDonald, and particularly to the left wing of his party. Intransigents prefer an honorable opposition which can insist on extremes, to the possession of power which is sufficient only to put into effect what has the approval of opponents. The rank and file of no party desired the dissolution, at least until the following summer; Mr. MacDonald could have stayed in office until then. He decided nevertheless to dissolve. Perhaps he thought that this course was justifiable from a purely party point of view; that the Labor contingent in the House of Commons would be strengthened and that the Liberals would be crushed. If this was his gamble, it failed. To be sure, the Liberals were crushed, but the Labor party lost 40 members and the Conservatives were returned with a huge majority. In the **new House of Commons,** the Conservatives had 412 members; the Labor party had 152, the Liberals 40, the Constitutionalists 7, and the Independents 4. Mr. MacDonald did not wait to meet the new Parliament, but resigned on November 4, and on November 6 the **Baldwin Cabinet** was announced.[1]

The election was one of the "dirtiest" in recent British history. The most sensational episode of the campaign was the publication, five days before the polling, of the **"Zinoviev letter"**—a communication addressed to the Central Committee of the British Communist party advising preparations for a proletarian revolution in England. The Labor Government replied and the Soviet Council of Commissars repudiated the letter as a forgery. There was much mystery about the affair and the circumstances of the leakage to the press. One theory even was that the letter was a forged forgery—that it was prepared by the Russians to embarrass the Labor Government, but so framed that it could be repudiated. The MacDonald Government appointed a committee to investigate the incident but this

[1] Its members were the following: Stanley Baldwin, prime minister, first lord of the treasury and leader of the House of Commons; the Marquis Curzon of Kedleston, lord president of the council and leader of the House of Lords; the Marquis of Salisbury, lord privy seal; the Viscount Cave, lord chancellor; Winston Spencer Churchill, chancellor of the exchequer; Sir William Joynson-Hicks, secretary of state for home affairs; Austen Chamberlain, secretary of state for foreign affairs and deputy leader of the House of Commons; Lieut. Col. L. C. M. S. Amery, secretary of state for the colonies; Sir Laming Worthington-Evans, secretary of state for war; the Earl of Birkenhead, secretary of state for India; William Clive Bridgeman, first lord of the admiralty; Sir Philip Lloyd Graeme, president of the Board of Trade; Neville Chamberlain, minister of health; Sir Frederick Lindley Wood, minister of agriculture and fisheries; Sir John Gilmour, secretary for Scotland; Lord Eustace Percy, president of the Board of Education; Sir Arthur Steel-Maitland, minister of labor; Sir Douglas M. Hogg, attorney general; Viscount Cecil, chancellor of the Duchy of Lancaster, and Lord Peel, first commissioner of works.

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body was unable to reach a positive conclusion on the mysterious features of the transaction. The incident, coupled with the unpopular features of the Russian treaty, the Communist prosecution, and a general readiness of the country to swing to the Right (a readiness also seen in the American elections), was in part responsible for the result.

The detailed **results of the 1924 election** (which are given in the accompanying tables) show that the rout of the Liberal party was even more complete than the loss of more than 100 seats in the House of Commons would indicate. The party has been practically annihilated in certain sections of the country which have been known as Liberal strongholds. Thus of 26 South London divisions, in 1923, the Conservatives had 12; the Laborites, 8; and the Liberals, 6. Now the Conservatives have 15, Labor has 10, and Liberal party only 1. In Yorkshire and the northeastern counties the Conservatives in 1923 had 27 members, Labor had 37 and the Liberals 21. Now the totals stand: Conservatives 38, Labor 40, Liberals 7. In six western counties, Somerset, Wiltshire, Dorset, Cornwall and Devon, the Unionists gained 23 seats. In Scotland not a single member of the Liberal party sits for one of the large cities which only a few years ago were represented almost exclusively by Liberals. At the election the Liberals contested 100 fewer seats than in 1923, and there were 217 constituencies in which the Conservative and Labor candidates had straight fights. That is abdication indeed. Agreements by which 46 of the 65 minority seats held by Labor members were contested by 36 Conservatives and 10 Liberals were in part responsible for Labor's loss of 40 members. Labor won 16 new seats from the Liberals and lost 9. The Liberals won none from the Unionists and lost more than a hundred. This would seem to suggest that the Labor candidates get much the smaller portion of the former Liberal vote when it is split between the Labor and Tory parties.

"There are few positions less inspiriting than that of the leader of a discomfited party," wrote Disraeli in his life of Lord George Bentinck. The Liberal party in the House of Commons is now not even the Opposition; it is so reduced that it is denied the modest rôle of being a balance between Labor and Conservatism. It is less powerful than was the Labor party with its forty members in the Parliament of 1910. Doubtless the Liberals would like a change in the electoral system, for they are underrepresented in the House of Commons in proportion to their strength in the country. They have one member for every 76,000 votes; the Labor party elected a member for each 36,000 votes, while the Conservatives needed only 20,000. The Conservatives, of course, are overrepresented; in proportion to their strength they should have 285 members—less than a majority of the House. But no majority is likely to contribute to its own lessening by granting

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proportional representation. This will not be an issue of English politics during the present Parliament.

It has been pointed out that, as is frequent in elections (for the French experience, see p. 146), the turnover in power was quite out of proportion to the turnover in votes. Two million voters out of twenty millions decided that there should be a tremendous Conservative majority. This means that in spite of the blow dealt the Liberal party, Labor has scant hope in the near future of securing an independent majority in the House of Commons. If every voter who in the 1924 election voted Liberal had voted Labor, the Conservative majority in the House of Commons would have been more than fifty.[1] It is a significant fact also that Labor has practically no representation in the agricultural districts, and so even though the party should approach a majority of the popular vote in the country, it can have little hope of a majority in the House so long as it fails to win its share of the 200 rural constituencies. On the other hand, it seems certain that the Labor party probably attracted to its banner more than one-half of the new voters whose names were put on the register; the rest of the increase in the total vote for 1924 was due to the fact that 1,000,000 non-voters in 1923 were brought to the polls in 1924, largely by the fear of Socialism. The Conservatives should remember furthermore that their voting strength of 402 against 268 Liberals and Irish Nationalists was by the 1906 election turned into a minority of 356, viz., 157 against 513. As has already been said, the Labor party has had such a steady growth as to augur its ultimate success in spite of the stubborn facts of the agricultural constituencies.[2]

[1] See J. M. Keynes, "The Balance of Political Power in Great Britain," *New Republic*, November 26, 1924.

[2] The following figures show the growth of the Labor party:

General Election	Seats contested	Members returned	Labor vote
1900	15	2	62,698
1906	80	29	323,195
1910 (Jan.)	78	40	505,690
1910 (Dec.) *	56	42	370,002
1918	361	57	2,244,945
1922	414	142	4,236,733
1923	429	191	4,348,379
1924	500	152	5,471,000

* As this was the second election in one year, fewer candidates were run by all parties.

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RESULTS OF THE 1924 ELECTION ANALYZED
GREAT BRITAIN AND NORTHERN IRELAND[1]

	Liberal		Conservative		Labor		Others	
	Seats won by votes	Unopposed returns	Seats won by votes	Unopposed returns	Seats won by votes	Unopposed returns	Seats won by votes	Unopposed returns
London Boroughs	3	..	34	5	20	..	..	..
English Boroughs	13	2	123	1	52	..	1	1
English Counties	4	..	180	7	36	2	1	..
Welsh Boroughs	2	..	4	..	3	2	..	..
Welsh Counties	7	1	5	..	6	5	..	..
Scottish Boroughs	3	..	12	..	17	..	1	..
Scottish Counties	2	3	24	..	9	..	..	..
British Universities	2	..	3	..	..	..	1	..
Northern Ireland	..	..	10	3	..	..	..	..
Totals*	36	6	395	16	143	9	4	1
	42		411		152		5	

* Total number of seats, including five now vacant, 615. The five vacant seats to be filled were: Oxford University (2) and Scottish universities (3). These do not affect the comparative figures of the table.

ELECTION STATISTICS

STATE OF PARTIES AFTER EACH OF THE LAST FOUR GENERAL ELECTIONS

(Excluding the area of the Irish Free State)

	1918	1922	1923	1924*
Liberal	33	117	158	42
Conservative	..	347	258	411
Labor	63	142	191	152
Coalition	514	...	...	...
Others	5	9	8	5

* Five seats to fill

STATE OF PARTIES AT THE DISSOLUTION ON OCTOBER 9, 1924

Liberal	158
Conservative	258
Labor	193
Others	5
Seat vacant	1

[1] These tables are taken from *The Liberal Magazine*, November, 1924, p. 636.

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THE ELECTORATE

1922	20,262,025
1923	21,313,110
1924	21,733,371

NUMBER OF ELECTORS WHO VOTED

1922	14,168,472
1923	14,564,035
1924 *	16,356,891

* Five seats still to fill

CANDIDATES

	1924	1923
Liberal	343	454
Conservative	534	536
Labor	516	423
Constitutionalists	7	...
Irish Republicans	8	...
Others	13	31
	1,421	1,444

ANALYSIS OF THE VOTES RECORDED IN GREAT BRITAIN AND NORTHERN IRELAND

	Liberal		Conservative		Labor		Others	
	Votes recorded	Seats won by votes	Votes recorded	Seats won by votes	Votes recorded	Seats won by votes	Votes recorded	Seats won by votes
ondon Boroughs	182,280	3	673,597	34	594,953	20	14,554	..
nglish Boroughs	915,821	13	2,701,129	123	2,255,842	52	38,765	1
nglish Counties	1,303,966	4	3,082,571	180	1,513,069	36	19,936	1
Velsh Boroughs	65,254	2	64,863	4	114,695	3	13,383	..
Velsh Counties	179,122	7	145,764	5	215,692	6	....	..
cottish Boroughs	165,641	3	319,783	12	410,005	17	36,783	1
cottish Counties	121,187	2	366,826	24	295,486	9	....	..
ritish Universities	4,660	2	13,639	3	1,087	..	7,164	1
orthern Ireland	.....	..	451,795	10	21,122	..	46,457	..
Totals	2,937,931	36	7,819,967	395	5,421,951	143	177,042	4

Total votes, 16,356,891. Five seats still to be filled.

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COMPARISON OF RESULTS: 1924 AND 1923

Party	1924		1923	
	Votes recorded	Total seats obtained	Votes recorded	Total seats obtained
Liberal	2,937,931	42	4,314,202	158
Conservative	7,819,967	411	5,544,540	258
Labor	5,421,951	152	4,508,504	191
Others	177,042	5	196,789	8
Totals	16,356,891	610*	14,564,789	615

* Five seats still to be filled.

WOMEN CANDIDATES

(Included in the above Totals)

	1924	1923
Liberal	6	12
Conservative	12	7
Labor	22	14
Others	1	1
	41	34

INTRA-IMPERIAL AND FOREIGN RELATIONS. — The **Imperial Conference of 1923,** the second to be held since the War, was opened on October 1 and closed on November 8. The sessions were attended by representatives of the Governments of Great Britain, the Dominions and India. Great Britain and the Dominions were represented by their prime ministers and in most cases by other cabinet members as well; India was represented by the secretary of state for India, one of the native princes and a representative chosen by the Government of India. The Irish Free State, constituted as a Dominion in 1922, was represented at an Imperial Conference for the first time. The meetings were presided over by the British prime minister, Mr. Stanley Baldwin. The subjects to which the Conference devoted chief attention were foreign relations, defence and the position of Indians in other parts of the Empire.

The procedure to be followed in **treaty-making** was deemed to be of the greatest importance, and a comprehensive resolution relative to the negotiation, signature and ratification of treaties was approved by the Conference and recommended for acceptance by the Governments there represented. This affirms that before any Government of the Empire

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begins negotiations looking to a treaty, other Governments of the Empire likely to be interested should be informed so that they may express their views or, if they are intimately concerned, may participate in the negotiations; that during the progress of negotiations, Governments of the Empire not represented should be kept informed in regard to points in which they may be interested; that treaties imposing obligations on one part of the Empire only should be signed by a representative of that part, acting under a "full power" indicating the part of the Empire in respect of which the obligations are to be undertaken; that treaties imposing obligations on more than one part of the Empire should be signed by one or more plenipotentiaries on behalf of all the Governments concerned; that in the case of treaties negotiated at international conferences, full powers should be in the form employed at the Paris and Washington Conferences and the existing practice of signature by plenipotentiaries on behalf of all the Governments of the Empire represented at the Conference should be continued; and that existing practice should be maintained with regard to the ratification of treaties, viz., that ratification of treaties imposing obligations on one part of the Empire is effected at the instance of the Government of that part, and that ratification of treaties imposing obligations on more than one part of the Empire is effected after consultation between the Governments of the parts concerned, each Government deciding whether parliamentary approval is required before it expresses desire for or concurrence in ratification. The Imperial Conference thus clearly recognized the constitutional right of the Dominions and of India to make treaties with foreign states, but declared as clearly that they ought not to consider their own interests alone but also those of the wider Commonwealth of which they form parts.

In this connection it is worth noting that the procedure employed in the negotiation of the treaty of peace with Turkey, in 1923, differed significantly from that which had been followed in the case of the peace treaties of 1919. The Dominions were not represented separately at the Lausanne Conference as they had been at the Paris Conference, and when the British Government expressed a desire that the treaty to be negotiated at Lausanne should be signed separately on behalf of the Dominions, as had been done in 1919, the Government of Canada demurred on the ground that it was not represented at Lausanne. In a debate in the Canadian House of Commons on June 9, 1924, Mr. Mackenzie King held that Canada would be legally and technically bound by British ratification of the treaty, but that the moral obligation resting upon Canada under the treaty would be "vastly different to the moral obligation which is imposed upon the country under the Treaty of Versailles, having regard to the different manner in which the whole negotiations were carried on." Mr.

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Meighen, Leader of the Opposition, took occasion to denounce what he called Canada's return to a position of colonial subjection in treaty-making, and other champions of Dominion autonomy expressed dissatisfaction with the manner in which the Lausanne Treaty had been negotiated, regarding it as retrograde from the point of view of the procedure followed in the peace treaties of 1919.

The Conference gave special consideration to the subject of **imperial defence.** As guiding principles it suggested: (1) the primary responsibility of each part of the Empire represented at the Conference for its own local defence; (2) adequate provision for safeguarding the maritime communications of the Empire; (3) provision of naval bases to ensure mobility of the fleets; (4) maintenance, as a minimum standard, of equality with the naval strength of any foreign power, in accordance with the provisions of the Washington Treaty on Limitation of Armament; (5) adoption by the several Governments of the Empire of a common system of organization and training for their air forces, in order to facilitate cooperation. In the application of these principles the Conference recognized the interest of Australia, New Zealand and India in the construction of a naval base at Singapore, the need of maintaining safe passage along the route to the East through the Mediterranean and the Red Sea, and the necessity of an air force in Great Britain strong enough to give protection against attack "by the strongest air force within striking distance of her shores."

The Conference gave earnest and prolonged consideration to the subject of the **position of Indians in other parts of the Empire.**[1] Lord Peel, the secretary of state for India, called attention to the gravity of the question and the intensity of feeling which it had aroused. He attributed this to the opinion in India that the disabilities to which Indians were subjected in other parts of the Empire were "a brand of social inferiority." The Prime Minister of South Africa, General Smuts, took a position radically different from that of his colleagues. He pointed out that in the Union of South Africa there was a native population of more than six million, a white population of something over one and a half million and an Indian population of about 160,000, mainly resident in the province of Natal, where they outnumbered the whites. It would be impossible, he said, to give the franchise to the Indian inhabitants without giving it to the natives; and the result of conceding political equality to the former would be the swamping of the whites by the Indians in Natal, and the swamping of the whites all over the Union by the blacks. The British colonial secretary, the Duke of Devonshire, accepted

[1] For a good brief discussion of this subject see Keith, A. B., *The Constitution, Administration and Laws of the Empire,* p. 111 *et seq.*

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a proposal for consultation between the Colonial Office and an Indian committee upon questions affecting Indians domiciled in the colonies, protectorates and mandated territories, for the administration of which the British Government was responsible. He was careful to make it clear, however, that he saw no prospect that the decision recently reached regarding the position of Indians in Kenya, which was bitterly resented in India, would be modified (*cf.* p. 136).[1]

While the Imperial Conference was holding its meetings an **Imperial Economic Conference** was in session, presided over by the President of the Board of Trade. The two Conferences met on different days so that the oversea representatives could attend both. The questions of greatest importance discussed by the Economic Conference were the improvement of facilities for British settlement within the Empire, cooperation in financial assistance to imperial development, and **imperial tariff preference.** The proceedings of the Conference with regard to preference aroused most public interest and discussion. The British Government indicated its intention of submitting to Parliament proposals for the increase of preferences already given in the British tariff to certain dried fruits of Empire production and for giving new preferences to others and to Empire preserved fruits. It announced that it was prepared to guarantee to maintain for ten years the existing preference to Empire sugar, to increase the preference to Empire tobacco and wine, and to create new preferences, by imposing new duties on the competing foreign products, in favor of Empire raw apples, canned salmon and lobster, cray fish, crabs, honey and fruit juices. Among the resolutions adopted by the Conference was one to the effect that in government contracts preference should be given to materials produced within the Empire; and a number of other resolutions had for their object the promotion of intra-imperial trade and communication.[2]

The Labor Government which took office in Great Britain in January, 1924, after a general election in which the protectionist program of the Conservatives had been decisively rejected by the British electorate, did not consider itself bound by the preference resolutions of the Imperial Economic Conference,[3] and there was no

[1] A summary of the proceedings of the Imperial Conference and extracts from the speeches that were delivered were published in two Parliamentary Papers: Cmd. 1987 and Cmd. 1988. *The Round Table,* (Dec., 1923 and March, 1924) contains useful articles on the Imperial Conference.

[2] The resolutions adopted by the Imperial Economic Conference and a record of the proceedings were published in Parliamentary Papers, Cmd. 1990 and Cmd. 2009. A very brief summary of the proceedings is given in *The Round Table* of Dec., 1923.

[3] Cmd. 2115.

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extension of imperial preference in the British budget of 1924. The general election of October 1924 returned the Conservatives to power, and on December 17 Mr. Baldwin announced in Parliament the fiscal program of his Government. He said that in view of the election pledge against food taxes the new duties on foreign products, recommended by the Economic Conference in order to give preference to Empire products, would be abandoned, but that the preferences which involved no new taxes but only the abolition or reduction of existing duties on Empire products, would be given. He announced that a money equivalent of the advantages that would have been conferred by the abandoned duties, estimated at £1,000,000 a year, would be devoted to developing intra-imperial trade, and also that the Government intended to introduce a new Safeguarding of Industries Bill next summer, in connection with which its desire would be to give imperial preference. The essentially protectionist character of his proposals for the safeguarding of industry was pointed out by Labor and Liberal leaders in the House of Commons.

The Labor Government decided not to proceed with the **proposed naval base at Singapore** (*cf.* p. 116), of which the Imperial Conference had approved.[1] In accordance with this policy, the budget of 1924 made no provision for expenditure at Singapore. The succeeding Conservative Government, however, decided to proceed with the naval base, and formal announcement to this effect was made in the King's Speech at the opening of Parliament in December, 1924.

The hope entertained by all parties in Great Britain that the establishment of the Irish Free State would remove Ireland from the scene of British politics has not yet been realized. The latest phase of the Irish Question is a vexed **controversy over the boundary between the Free State and Northern Ireland,** which has kept ancient Irish animosities active and divided political opinion in Great Britain.

The Government of Ireland Act of 1920 provided that Northern Ireland should consist of the six counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, and the boroughs of Belfast and Londonderry, though in Fermanagh, Tyrone and the borough of Londonderry the census of 1911 showed Catholic majorities. The Irish Treaty of December, 1921, to which legal effect was given by Act of Parliament in the following year, provided that Ireland should have the constitutional status of a British Dominion, but specified that Northern Ireland might, if its Parliament so desired, remove itself from the jurisdiction of the Free State, and that in this event a com-

[1] The Dominion Governments were consulted on this step. While South Africa favored the abandonment of the enterprise, and Canada offered no comment, New Zealand and Australia protested emphatically against Premier MacDonald's policy.

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mission consisting of three persons (one appointed by the Government of the Free State, one by the Government of Northern Ireland, and one by the British Government) should determine the boundaries between Northern Ireland and the rest of Ireland "in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions." Northern Ireland was not represented at the Conference which negotiated the Treaty, and shortly after it was signed by the representatives of the British Government and Sinn Fein, Sir James Craig, prime minister of Northern Ireland, formally objected to the boundary clause as a violation of the Act of 1920. Northern Ireland withdrew from the Free State, having never actually been under its jurisdiction, and remains under the Government of Ireland Act.

During the period under review several attempts were made to reach a settlement of the boundary by agreement between the Free State and Northern Ireland. After President Cosgrave of the Free State and Sir James Craig failed to come to an agreement in Easter week, 1924, the former called upon the British Government to set up the commission, and Mr. Justice Feetham, a South African judge, was accordingly appointed as chairman. The Free State had already appointed its commissioner, but Northern Ireland refused to appoint one. It was feared in Ulster that the Commission would decide in favor of including large parts, if not all, of Fermanagh and Tyrone in the Free State.

In June the British Government, recognizing its legal obligation to constitute the commission, submittted certain questions to the Judicial Committee of the Privy Council, among others, whether under existing laws there was any constitutional method of bringing the commission into existence so long as the ministers of Northern Ireland refused to advise the appointment of a commissioner. The Judicial Committee replied to this question in the negative. On August 6, 1924 the **Irish Free State (Confirmation of Agreement) Bill**, the text of which had been agreed upon by the British Prime Minister and the President of the Irish Free State, was introduced in the House of Commons, its purpose being to enable the British Government to appoint the commissioner for Northern Ireland, and by agreement an identic Bill was brought into the Dail on August 12. Mr. Lloyd George intimated that the Liberal party would support it, but Mr. Baldwin, speaking shortly afterwards at a Conservative gathering, said that his party would oppose a measure which set out "to so alter the Treaty by changing the character of that body that has the arbitrament of this most difficult question." In moving second reading of the bill on September 30, Mr. MacDonald held that British honor required that the defect in the treaty which made it possible for Northern Ireland to prevent the establish-

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ment of the commission, should be removed by enabling the British Government to appoint a commissioner for Northern Ireland. The bill passed second reading in the House of Commons by a vote of 291 to 124. In the committee stage a Conservative amendment to limit the Commission to mere rectification of the boundary was defeated. The Bill passed rapidly through all stages in the House of Lords and became law on October 7. The Lords, by a vote of 71 to 38, adopted a declaration to the effect that in their opinion the Treaty contemplated only a readjustment of boundaries, but this declaration had no legal effect.

Sir James Craig announced in the House of Commons of Northern Ireland that if this "Compulsory Boundary Commission" defined a boundary unacceptable to the North, he would resign office and place himself at the disposal of the people as their leader "to defend any territory which we may consider has been unfairly transferred from under Ulster, Great Britain and the flag of the Empire," thus threatening armed resistance and reviving Lord Carson's doctrine of the righteousness of loyalist violence and rebellion.

The bill, having been duly passed by the Free State Parliament, became law in Ireland on October 24. The British Government appointed Mr. J. R. Fisher, formerly editor of a Belfast newspaper, to represent Northern Ireland, and on October 31 the Boundary Commission was formally constituted. Its first meeting was held on November 6.[1]

The Irish Free State is the first of the British Dominions to send a minister to a foreign country. Last June the British Ambassador at Washington notified the State Department that his Government had reached the conclusion that an Irish minister plenipotentiary should be accredited by the King to the President of the United States "to take charge of all affairs relating only to the Irish Free State." In such matters, he said, the Irish minister would be independent of the British Ambassador.[2] The United States Government at once acceded to the proposal, and an **Irish minister to the United States** has been duly appointed. Separate diplomatic representation of Canada at Washington has been under consideration for some time past, but so far a Canadian minister has not been named.

A sharp difference of opinion has arisen between the British Government and the Government of the Irish Free State as to the character and **registration of the Treaty of December 6, 1921,** between Great

[1] For a fuller discussion of the Irish Boundary question see *The Round Table* for March, Sept. and Dec., 1924.

[2] The correspondence between the British and American Governments respecting the appointment of an Irish Minister at Washington is published in Cmd. 2202.

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Britain and Ireland, which provided for the creation of the Free State. The Covenant of the League of Nations (Article 18) provides for the registration with the Secretariat of the League of treaties made by member states. In September, 1923, the Free State was admitted to the League, and in the following July, at the request of its representatives at Geneva, the Treaty of 1921 was registered. After the Conservatives had taken office in England last November, the British Government objected to the registration of this treaty on the ground that the provision of the Covenant in question was not intended to apply to agreements between different parts of the British Commonwealth. The Free State Government officially dissented from this view and held that article 18 of the Covenant applied to *all* treaties entered into by members of the League.

THE BRITISH DOMINIONS AND COLONIES. — In **South Africa** a general election was held on June 17, 1924, which resulted in the defeat of the South African party, which had been in continuous control of the government since the establishment of the Union in 1910, the resignation of General Smuts as prime minister and the formation of a coalition Nationalist-Labor Administration, with the Nationalist leader, General Hertzog as prime minister. An agreement or "pact" had been entered into by the Nationalists and the Labor party to overthrow the Smuts Government, which they regarded as dominated by the big business and financial interests. On April 5 the "pact" won a by-election, and General Smuts, though his party was still in control of the Assembly, decided to dissolve Parliament and appeal to the country.

The prime minister was charged by Labor with having sided with the employers against the workers in serious disturbances on the Rand in 1922, and heavy taxation and unemployment contributed to increase opposition to his administration. In the General Election the Nationalist party won 63 seats, their allies, the Labor party captured 18, and the South African party secured only 53. During the election compaign the Labor party, in deference to rural Boer sentiment, which is strongly conservative, did not emphasize the socialistic features of their political creed, and the Nationalists, while theoretically in favor of the establishment of an independent South African republic, declared, in deference to Labor sentiment, that the secession of South Africa from the Empire was not an immediate issue. Labor candidates declared that secession as a political question was dead, and directly after the election General Hertzog stated that his party did not consider it a matter of practical politics.

It was generally supposed that the Nationalist-Labor "pact" would be dissolved as soon as it accomplished its purpose of driving General Smuts from office. But General Hertzog, who was at once called upon to form a ministry, announced that he would cooperate with

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the Labor party and appointed two of its leaders to his cabinet. Whether a coalition of parties so divergent in their economic policies can long continue to act together only time can show. The Hertzog Ministry took office on June 30. Since the annual finance and appropriation bills had not yet been passed, it was necessary to summon Parliament for an early date, and the first session, which was opened on July 25, devoted itself almost wholly to matters of finance.

The most serious of all South Africa's problems is that concerned with the relations between the whites and the natives. The Native Affairs Act of 1920 provided for conferences of natives to be summoned by the Governor-General. At a conference at Pretoria in September, 1923, it was proposed that in the future one-third of the members should be appointed by the Government, one-third chosen by native chiefs and one-third elected by native organizations. It has been conjectured that such conferences may develop into something like a Native Parliament.

When the parliamentary session opened in **Canada** on February 28, 1924, recent by-elections had placed the Liberals in the House of Commons in a minority, and Mr. Mackenzie King's Government was dependent upon the support of the Progressives. The Speech from the Throne announced a program calculated to win Progressive favor, and during the session, which closed on July 19, the majority of the Progressives supported the Government, though forcing it to make some concessions to their demands. An early return to the old bi-party system was predicted, but in June a group of radical Progressives in Parliament turned insurgent and renounced allegiance to their party. While not numerous, they have considerable agrarian support and may prove to be the nucleus of a new radical party. The most important legislation of a political character was a Redistribution Bill. As finally passed, it enlarged the membership of the House of Commons from 235 to 245, increasing the representation of the West as compared with the East and thus adding to the weight of the more radical section of the Dominion. The act of the session that aroused the greatest public interest was one providing for the union of the Presbyterian, Methodist and Congregational Churches in Canada. There is a good deal of opposition to the measure, especially among Presbyterians, many of whom hope that it will be held by the courts to be *ultra vires*. At the close of the session the prime minister announced that the Government would consider the question of curbing the powers of the Senate, and hinted at a measure similar to the British Parliament Act of 1911. This would necessitate amendment of the Canadian constitution. Much fault is found with the Senate by Liberals and Progressives, and many Conservatives admit that there is need for reform, but the question is a difficult one since the Senate was created for the purpose of protecting the rights of the provinces.

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During the period under review there has been a strong reaction against Prohibition in Canada. By the close of the War all of the provinces had adopted Prohibition except Quebec, which had established government monopoly of the sale of liquor. In July, 1923, Manitoba, following the lead of British Columbia, decided by referendum in favor of government control, and Alberta followed suit in November of the same year. In Saskatchewan, the only one of the Western provinces to remain dry, a referendum held in July, 1924, went against Prohibition by a large majority. In Ontario, where dry sentiment was supposed to be very strong, a referendum held in October resulted in a majority of only about 35,000 in favor of Prohibition in a total vote of 1,134,000. The cities favored government sale, Toronto by a majority of 50,000, but the rural districts went dry.

The Legislature of the **Irish Free State** (*cf.* p. 130) was dissolved on August 9, 1923, and a General Election was held on August 27. More than 10,000 Irishmen were in prison for political offences at the time, and while the campaign was in progress the Republican leader, Mr. De Valera, was arrested by Free State troops. In the election, which was on the system of proportional representation, the Government party won 63 seats in the Dail, the Republicans 44, Independents 16, Labor 15 and Farmers 15.[1] Three-quarters of the Republicans elected were among those in jail, and the rest were prevented from taking their seats when the new Legislature met on September 19 by the oath which the Constitution of the Free State requires all members of the Legislature to take. The election was hailed in the British press as a victory for the Free State and for President Cosgrave's administration.

During the period under review a new self-governing colony has come into existence. Since 1889 the territory of **Southern Rhodesia** had been administered by the British South Africa Company. In October, 1922, the alternative of responsible government or admission to the Union of South Africa was placed before the electors, who decided in favor of the former by a vote of 8774 to 5989. On September 12, 1923, the territory was formally annexed as "The Colony of Southern Rhodesia," and on October 1 responsible government was granted. The constitution of the colony provides for a legislative council and an elected assembly. Subject to certain reservations the colonial legislature is empowered to make laws for the peace, order and good government of the colony. The Executive Council consists of the Governor and his Ministers, one of whom is styled Premier. The first assembly met in May, 1924. Though the colony now enjoys responsible government it cannot aspire to the status of a Dominion for some time to come, since the total electorate is only 22,000.

[1] See J. H. Humphreys, "The Irish Free State Election, 1923", *Contemporary Review*, Oct. 1923.

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In the **Kenya Colony and Protectorate,** formerly known as the East Africa Protectorate, there are four different communities—European, Indian, Arab and Native—whose conflicting interests have given rise to serious friction, especially between India and the British Government. The census of 1921 showed a population of about 10,000 Europeans, including officials, missionaries, traders and settlers, about 23,000 Indians, 10,000 other Asiatics, including Arabs, and between two and a half and three million native Africans. The preferential treatment accorded to the Europeans at the expense of the more numerous Indian population, especially with regard to the electoral franchise, immigration and the right to acquire land, has provoked keen resentment among all classes in India. After a careful examination of the subject the British Government came to certain decisions which were made public in July, 1923. It was announced that the Indian demand for equal franchise could not be granted, and that the existing practice of reserving land in the highlands of Kenya for Europeans must be continued. As revised in accordance with these decisions the constitution of Kenya provides for communal representation. The Legislative Council consists of the Governor, ten *ex officio* members, a maximum of ten nominated official members, eleven elected European members, five elected Indian members, one elected Arab member, and one nominated unofficial member, chosen from among the Christian missionaries in Kenya, to represent the native African community. The action of the British Government was received with indignation throughout India, and the representative of the Indian Government in the Imperial Conference made it a matter of record that the decision could not be accepted as final in India. It is felt that Kenya is the test of the attitude of the British Government toward the Indian demand for equality of treatment in the Empire.

INDIA.—In Indian politics the outstanding features of the period under review were the rise and activities of the Swaraj party, the failure of Mr. Gandhi's program of Non-Cooperation, the overthrow of the system of dyarchy in two of the provinces, the general demand for further constitutional advance, and the union of all parties in opposition to the policy of repression adopted in Bengal. Even before Gandhi's arrest, in March, 1922, an influential section of the Indian Nationalists were opposed to his policy of boycotting the new provincial and central legislatures established under the Reformed Constitution,[1] but a majority of the Indian National Congress, in a session held in December, 1922, adhered to Non-Cooperation. In the following January the **Swaraj party** was organized with Mr. C. R. Das as

[1] An excellent brief account of the Reformed Constitution is to be found in E. A. Horne, *The Political System of British India* (Oxford, 1922).

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President, its purpose being to convert the National Congress to a policy of entering the legislatures and employing obstructionist tactics in order to force the government to grant further reforms in the direction of complete self-government. In September, 1923, at a special session of the Congress at Delhi, a compromise was agreed upon. Adherence to Non-Cooperation was reaffirmed, but those members who so desired were permitted to participate in elections.

Elections for the provincial and central legislatures were held in November and December, 1923. The Swarajists won a large majority of the seats in the Legislative Council of the Central Provinces and nearly one-half of the elective seats in Bengal. In both of these provinces invitations to Swarajist leaders to form ministries were declined. In the other provinces the showing of the Swaraj party was not so good, and in some of them the number of Swarajists elected was a mere handful. In the central Legislative Assembly they won about half of the elective seats.

In opening the new **Legislative Assembly** on February 1, 1924, the Viceroy, Lord Reading, spoke of the danger to the Reformed Constitution that might result from obstructionist tactics and declared that no constitutional change could be made without the consent of Parliament. This was in keeping with the statement made by Mr. Ramsay MacDonald shortly after he became prime minister, that no party in Great Britain would be cowed "by threats of force or policies designed to bring the government to a standstill." Early in the session the Swaraj members of the Legislative Assembly combined with the Independent Nationalists to form what was called the Nationalist party. As a result of this coalition a resolution in favor of a Round Table Conference to prepare a plan of further constitutional advance was adopted by the Assembly on February 18, by a vote of 76-48. One of the Swaraj leaders declared that his party had never accepted the preamble to the Government of India Act, 1919, making Parliament "judge of the time and measure of Indian constitutional advance," and the idea thus expressed has gained ground rapidly among the politically-minded classes of India. On February 20, Lord Olivier, Secretary of State for India, announced that constitutional reform must proceed gradually, as it had been planned, which meant that the Swaraj demand for a Round Table Conference would not be granted.

The Government of India was prepared to undertake an inquiry into the working of the existing constitutional machinery, but with a view only to remedying defects in its operation which might be disclosed, and a committee was appointed for this purpose. The Swarajists declined to serve on it because of the limited scope of its inquiry and the refusal of their demand for a Conference. The committee, composed of British officials and natives, mainly members

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of the Indian Liberal party, began its work early in August. While some of the witnesses examined gave evidence in favor of the existing régime, others testified to defects in the system of dyarchy, communal representation, and official representation in the provincial councils.

The strength of the Nationalists in the Assembly was further shown when, on March 17, 1924, they rejected the Finance Bill of the year as a protest against the refusal of their demands. But the Viceroy, in accordance with the procedure provided for in the Reformed Constitution, certified it as essential to the interest of India, whereupon it was passed by the upper house of the Legislature, the Council, and became law.

In the May-June session of the **Legislative Assembly** the Nationalist party defeated a number of Government measures, but the original Swaraj policy of consistent obstruction was abandoned, for it was decided to participate in Government activities when it would be to the public interest to do so, and it was agreed that members of the party should accept seats on committees, move resolutions, introduce bills etc. In supporting a Government measure for the protection of the steel industry, the Swarajists actually cooperated with the Government.

In **Bengal and the Central Provinces** the system of **dyarchy** broke down in consequence of Swaraj obstructionism in the provincial legislatures. In the first session of the Legislative Council of the Central Provinces the Swarajists defeated all Government measures indiscriminately, voted want of confidence in the ministers, and refused supplies. The Legislative Council of Bengal refused to vote salaries to the ministers. In comment *The Manchester Guardian* said: "The transferred subjects—education, local self-government, agriculture, industries, and the rest—will be thrown back into the hands of the bureaucracy, and the reformed Constitution will, for a time at least, cease to function in Bengal." More than 300 school inspectors in the Province have been dismissed because the Legislative Council refused to appropriate their salaries.

Numerous cases of **revolutionary violence,** mainly in Bengal, led the Viceroy, on October 25, to promulgate an ordinance to supplement the criminal law of Bengal, conferring upon the Provincial Government extraordinary powers to deal with persons suspected of complicity in revolutionary crime. The Bengal Government immediately caused the arrest of some seventy-five Swarajists and others alleged to be connectetd with the revolutionary movement. The Swaraj party regarded this action not as aimed at revolution but as an attempt to cripple them politically. Mr. Stanley Baldwin, in a speech delivered soon after he became prime minister in November, 1924, stated that the Viceroy's ordinance had been issued for the purpose of suppressing crime and that it was not directed

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against persons or parties pursuing constitutional methods. He announced that the British Government would support the Government of India.

Early in November Mr. Mohammed Ali called a special meeting of the Congress Committee to unite all parties against the repressive policy of the Government of Bengal. Non-official members of the central and provincial legislatures and representatives of the principal political and religious associations of India were also invited to attend. The result was what was called an **All-Party Conference** in Bombay (November 21 and 22), attended by between 400 and 500 persons. The Conference adopted with substantial unanimity resolutions which condemned "anarchical organizations," but expressed strongest disapproval of the action of the Viceroy in promulgating the Bengal Ordinance without the sanction of the Legislature, urged its immediate withdrawal, and recorded the conviction that the speedy establishment of self-government was the only remedy for the existing political situation in India. On motion of Gandhi the Conference then adopted a resolution appointing a Unity Committee to consider the best means of uniting all parties in the National Congress and preparing a plan of self-government, and to report not later than March 31, 1925. The committee held its first meeting soon afterwards and decided to invite the various party organizations throughout the country to submit their conditions for re-entering the National Congress.

At a meeting of the Congress Committee on November 23 the **agreement between Gandhi and the Swaraj party,** reached earlier in the month, was confirmed. Gandhi admitted that Non-Cooperation had lost ground and that the Swaraj party, which included, he said, the best intellects in the country, was gaining in strength daily. The non-cooperation program was to be suspended, except for the refusal to use foreign cloth.[1]

The Gandhi-Swarajist Pact was ratified by an overwhelming majority at the regular annual session of the Indian National Congress. held at

[1] After his release from prison in Feb. 1924 Gandhi gave out a statement of his constructive policies, as follows:

1. Removal of the curse of untouchability among the Hindus.

2. The spread of hand-spinning and hand-weaving and the advocacy of the use of hand-spun and hand-woven cloth, to the exclusion of all foreign cloth and even cloth woven in Indian mills.

3. Advocacy of simple life and, therefore, the avoidance of intoxicating drinks and drugs.

4. The establishment of unaided national schools, both for the purpose of weaning students from Government institutions as a part of the Non-cooperation struggle, and of introducing education, including industrial training, in keeping with the national problems.

5. Promotion of unity amongst Hindus, Mussulmans, Christians, Parsees, Jews, etc.

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Belgaum during Christmas week, 1924. This means a great increase of influence for the Swaraj party, which will henceforth speak and act in the name of the Congress.

Perhaps as significant as the victory of the Swarajists is the pronounced swing to the left in the Indian **Liberal party**, upon whose good will the Government has been counting. At their party congress at Lucknow in December the Liberals demanded the grant of Dominion status to India, a restriction of the powers of the Secretary of State and the Indianization of the army.

V. CONTINENTAL EUROPE

ALBANIA. — A Constituent Assembly elected in December, 1923, met on January 21, 1924. The murder of two Americans by bandits on April 6 and the assassination of an Opposition assemblyman on April 20, together with the Government's endeavor to uphold medieval privileges accumulated during four centuries of Turkish rule, led to the withdrawal of the Opposition from the Constituent Assembly and the outbreak of open rebellion culminating in the overthrow of the Zogu Government on June 10. On June 12, the Nationalists, as the insurgents were called, set up a new Provisional Government, presided over by the Harvard-trained Bishop Fan Noli, head of the Albanian Orthodox Church. In December, 1924, however, Ahmed Bey Zogu having recruited his forces on Yugoslav soil, launched a counter-revolutionary movement, expelled Premier Fan Noli, and became again master of the situation.

AUSTRIA.—The summer months of 1923 saw Austria making substantial progress toward **economic recovery** under the dual auspices of the Clerical Cabinet headed by Chancellor Mgr. Seipel and the League of Nations financial representative, Commissioner-General Zimmermann.[1] This new prosperity had a determining influence upon the results of the **general elections** for Parliament held on October 20. The conservative Christian Socialists (Clericals) scored a signal victory over the Social Democrats (Socialists) who opposed the continuance of League control in its existing form, and the Pan-German element (German Nationalists) which advocated union with Germany.

The struggle between the Clericals and Socialists over education, marriage laws and general social policy was continued throughout 1924. On June 1, Mgr. Seipel, the Chancellor, was shot and seriously wounded by a young Socialist, and although the Social Democratic Party officially disclaimed responsibility for the outrage, it evoked widespread resentment and resulted in increased popularity for the priestly statesman. Of far greater importance, however, was the

[1] A detailed review of the financial rehabilitation of Austria is to be published in a future number of the POLITICAL SCIENCE QUARTERLY.

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constant friction between the Clerical Government and the province-municipality of Vienna, controlled by the Social Democrats. Vienna, containing sixty per cent of the taxable wealth of the country, had by far the largest revenue of all the states (or Provinces) of the Federal Union and a considerable surplus instead of the customary deficit. The ample funds which she had for governmental purposes contrasted strikingly with the rigid economy in vogue elsewhere. Chancellor Seipel urged a more effectual integration of national and state fiscal policies as indispensable to ultimate rehabilitation of public finances. On October 20, the budget for 1925 was submitted, showing a deficit of $7,000,000 due to heavy administrative expenditures and lowered taxation. The proposed outlay for government employees was the item which evoked most criticism. Ill-health, a railway strike, and a determination to test the strength of his leadership on the centralization issue resulted in the **resignation of Chancellor Seipel** on November 17, after three years' service. A partly new Cabinet headed by Dr. Rudolph Ramek of the Christian Socialist Party with six fellow Clericals and two Pan-Germans assumed office. It announced at the outset a firm intention to introduce no changes into the general policies pursued hitherto in accordance with the regulations laid down by the League of Nations. Shortly afterwards, on December 9, Dr. Michael **Hainisch** was perfunctorily re-elected President of the Republic by the united vote of the bourgeois parties in the Federal Assembly, the Social Democrats refusing to participate (*cf.* p. 15).

BALTIC STATES.—See p. 24.

BELGIUM.—The Cabinet crisis caused by the French-Flemish linguistic conflict and the military service question (*cf.* last RECORD, p. 92) eventuated in a compromise and the continuance of the Theunis Ministry in power (definitely announced July 3, 1923). In the protracted negotiations and deliberations over German reparations, Belgium assayed a mediatory rôle between France and Great Britain. But the cognate issues of security and inter-allied debts tended to incline Belgium perceptibly to France. The French appreciated the situation, and Paris treated Brussels with the greatest consideration. In November 1924 the all-important issues of reparation and national security were vigorously debated in the Belgian Chamber of Deputies. From Germany, according to ex-Foreign Minister Jaspar, Belgium had received 1,800,000,000 gold marks, leaving about 2,700,000,000 still to be paid. As for security, the same speaker declared that the great aim of Belgian policy was to get military guarantees from Great Britain to supplement those already stipulated in the alliance with France. Late in 1924 it was announced that of 1,175 public edifices (schools, churches, etc.) destroyed during the war, 1,046 had been rebuilt and 125 were in process of rebuilding; of nearly 100,000 private dwellings destroyed, 33,075 had been rebuilt

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by the Government and over 60,000 by private initiative; and of ruined roads, fully 1,967 kilometers had been completely reconstructed.

BULGARIA.—The bourgeois-military dictatorship so abruptly installed in power under Professor Tsankoff by the *coup d'état* of June 9, 1923, utilized the summer months of 1923 in consolidating its position and stamping out all opposition. The Communists, however, succeeded in fomenting a formidable nation-wide insurrection during September. So grave did the situation become that on September 22 King Boris signed decrees reconstructing the Cabinet, dissolving Parliament, and proclaiming martial law. Although amnesty was granted to all but forty leaders of the September rising, the Government dissolved the Communist party, dismissed all Communists from government service, and suppressed newspapers of Communist tendency.

CZECHOSLOVAKIA.—No less remarkable than the new republic's success in stabilizing the currency and balancing the budget was its helpful participation in the political and diplomatic stabilization of Southeastern Europe under the astute guidance of the able young Foreign Minister, Eduard Benès. Particularly noteworthy were the Czechoslovak treaties with France and Italy (*cf.* pp. 22 and 24). Even more conspicuous were the services rendered by Benès in drafting the Protocol of Arbitration, Security and Disarmament at the September meeting of the League of Nations Assembly. Czechoslovakia was the first state to sanction the new instrument through official ratification.

The relatively stable and encouraging domestic situation in Czechoslovakia was seriously threatened by agitation of dissentient nationalities and racio-religious groups. There were over fifty political parties in the country of which at least twenty enjoyed representation in Parliament. The 3,500,000 Germans and 900,000 Hungarians were not alone in being unreconciled to their status. Anti-Czech feeling among the 2,000,000 Slovaks, based upon alleged political, cultural and economic discrimination by the dominant Czechs, had assumed menacing proportions and an autonomist movement was definitely gaining headway. The long-standing complaint of the people of Czechoslovak Ruthenia against non-representation in the national Parliament was redressed by the election of eight deputies from that region on March 16, 1924. Meanwhile social legislation and tax reforms were absorbing the attention of the National Assembly during its spring session. A new law protecting tenants against extortionate landlordism and a measure extending unemployment insurance were passed despite conservative bourgeois opposition. The peace-time army was cut from 150,000 to 120,000 men, making possible a large saving for the treasury. The division of large landed estates under Governmental supervision was accelerated in 1924, some 350 estates compris-

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ing 500,000 acres of land being expropriated and divided. During the fall one of the most comprehensive social insurance laws operative anywhere in the world was enacted by the Government under Socialist pressure. It provided for insurance against sickness, invalidity, accident, old age and unemployment, based in general upon half-and-half payment of premiums by employers and employees. Statisticians estimated that sickness insurance would apply to 851,000 agricultural laborers and 1,742,000 industrial workingmen, and invalidity and old age insurance to a total of 2,503,000 persons.

DENMARK.—The defeat of the coalition of the parties of the Right in the elections of 1924 brought into office a Labor Cabinet headed by Theodore Stauning. The new cabinet laid before Parliament in Oct. 1924 a very notable army bill, which would substitute a force of 7000 frontier guards for the standing army. This frank recognition of Denmark's dependence upon general peace and international good faith, rather than on armament, was opposed by the more conservative parties not only in Denmark but also in Sweden (*q. v.*) where it greatly heartened the opponents of militarism.

FRANCE: The Poincaré and Herriot Governments.—M. Poincaré's Cabinet took office on January 15, 1922; the invasion of the Ruhr was begun on January 10, 1923. By the last quarter of 1923, there was little opposition. M. Briand, who had been forced out of office by M. Poincaré, declared in October that he considered "security the most important question facing France today. Reparations, though also vital, must cede first place to security." At the same time M. Painlevé, who had previously described the Ruhr occupation as "a policy of blindness," announced his belief that M. Poincaré was "displaying wisdom and a republican trend." M. Millerand also stepped into the lists with a speech at Évreux. He pleaded for a united France. "Justly proud of the victory she has so dearly bought, France is resolved not to allow its fruits to escape her." In November there were interpellations on foreign policy and the Chamber voted its confidence in M. Poincaré by 506 to 70. On December 20 the ministry was defeated 331 to 200 on the question of increased compensation for state employees, but three days later the Chamber reversed itself and supported M. Poincaré's economy program by 339 votes to 211. **Elections to the Senate** in January, 1924 were not significant politically; the Departmental Councils (the electoral bodies) had not been changed since the last balloting, and only six senators were defeated for reelection.

The decline of foreign exchange, however, caused the Government considerable worry regarding the **financial situation.** By the middle of the month the franc was down to 23 and a fraction to the dollar. M. Poincaré proposed extraordinary measures: the increase of taxes by 20%; revaluation of property; greater care in tracing the sales

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of securities so as to impose taxes; reduction of expenditure by 1,000,000,000 francs; and payment of costs in the devastated regions by taxation and not loans. The most controversial proposal was that to give the ministry extraordinary administrative powers; to allow the executive for four months "to proceed by decrees rendered in the Council of State, after having been approved by the Council of Ministers, to all reforms and simplifications the administration of which will tend to the realization of economies."[1] On February 23 after a bitter session of twenty-one hours the Chamber approved the bill by a majority of 136. M. Herriot, later to become prime minister, said: "When the right to make laws is once taken from Parliament it is no longer a Parliament; it is because this principle is being sacrificed that I refuse to vote." The Senate agreed on March 17, by 151 to 23, senators of the Left abstaining. Meanwhile, these extraordinary measures were not sufficient to check the decline of the franc. On March 10 it was quoted in New York at 3.42 cents. American banks, however, came to the rescue and announced a loan to the Bank of France. The franc then rose to 4.96 cents. In a snap vote in the Chamber of Deputies on March 28, M. Poincaré was defeated by seven votes (80 deputies were absent,) on the question of adding 2,000,000 francs to a Pension Bill.

M. Poincaré resigned, but President Millerand persuaded him to undertake a **reorganization of the ministry.** He did so and permitted only two survivals of the preceding Government. The defeat was made remarkable use of by M. Poincaré to put into his cabinet men who previously had been critics of his policies. He thus was rather successful in stifling opposition.[2] It was M. Poincaré's second resignation, for on May 24, 1923, the Senate had refused to sit as a high court for the trial of M. Cachin, a deputy, and other Communists on charges of sedition. M. Poincaré resigned but M. Millerand persuaded him to withdraw the resignation and it was decided that the Communist cases should go first before an examining magistrate.

[1] For a full discussion see Rolland, "Le projet du 17 janvier 1924 et la question des décrets-lois", *Revue du droit public,* Jan.-Feb.-March, 1924, p. 42.

[2] The personnel of the new cabinet was as follows: M. Poincaré—president of the council and minister of foreign affairs; Edmond du Prey—justice; Justin de Selves—interior; Frédéric François-Marsal—finance; André Maginot—war; Yves Le Trocquer—public works; Louis Loucheur—commerce and posts; Daniel Vincent—labor and health; Henri de Jouvenel—education; Jean Fabry—colonies; Maurice Bokanowski—marine; M. Capus—agriculture; Louis Marin—devastated regions.

[3] Poincaré's action was a gesture of disapproval rather than an admission of cabinet responsibility to the Senate. Since 1896 only one cabinet (that of M. Briand in 1913 on an issue of electoral reform) has retired on account of an adverse vote in the Senate.

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The most important event of the year in France was the **general election** which occurred on May 11, 1924. It was important not only from the standpoint of French domestic politics but because it was bound to have repercussions in international affairs. The European situation was certain to be eased if the results of the election were a swing to the Left and the fall from power of M. Poincaré. No less than 2754 candidates were put up for 584 seats in the Chamber. Fourteen parties were in the field, but in broad outline the struggle was between two main organizations—the Bloc National and the Cartel des Gauches, a union of the groups opposed to Poincaré. The Royalists (the "Action Française") and the Communists were the extremes of the Right and Left wings respectively. The Bloc National, it will be recalled, was a loose confederation of the conservative and middle groups which came into being before the elections of 1919 and was astonishingly successful. Behind it was the union of economic interests (associated with which was the Comité des Forges)—a financial body which is the French counterpart of the Federation of British Industries. The Cartel des Gauches, which was formed only after Poincaré's Ruhr policy had been carried out, was for an abandonment of the Ruhr adventure, for an entente with England, and for some accommodation with Germany. One reason for the extreme success of the Bloc National in 1919 had been the failure of the opposed groups to combine for electoral purposes.

At the legislative session of 1923 the French Chamber of Deputies was unable to make up its mind on **electoral reform.** For twenty years that has been a most bitter issue of French internal politics. The 1919 law introduced a compromise between **scrutin d'arrondissement** and proportional representation. The department is the district and each returns one deputy for seventy-five thousand inhabitants. Nominations are made of lists equal to the number of places to be filled and the places are apportioned according to the vote. Lists receiving a bare majority are declared elected and there is then no minority representation at all. The so-called proportional features of the system are used only when no list receives a majority, but they work out disproportionately. In 1919, for example, a candidate with 19,691 votes was successful while one of an opposing group with 36,283 votes was beaten. The French system works so vagariously that it has few if any defenders. It is a bungling makeshift or, as the *Journal des Débats* called it, a "*mélange incohérent*".

Various proposals were made to change the law but none could be agreed to. On February 21, 1924, M. Poincaré persuaded the Senate to endorse the 1919 statute with only a few modifications. This was a considerable victory, for a majority of the senators were known to favor a return to single-member constituencies. A similar decision had been secured from the Chamber a few weeks before by a majority

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of one; and so for the 1924 elections substantially the 1919 scheme was used. The number of deputies, however, was reduced. After 1914 this number was 602. The addition of Alsace and Lorraine added 24 members but this was a temporary arrangement and the Chamber now numbers 584.[1]

The **results of the May election** were decidedly unfavorable to the Bloc National. A change of only one-thirtieth of the vote in the country resulted in a change of one-third of the seats in the Chamber. In 1919 the Bloc National obtained 31,784,309 votes and 356 seats; in 1924 for 30,419,847 votes it received only 247 seats. The groups of the Left in 1919 polled 27,047,051 votes and elected 170 members; in 1924 for 28,139,831 votes they obtained 277 deputies. The result was that M. Poincaré was in a minority of 410 against the combined groups of the Left:[2]

Right (Poincarist)		*Left*	
Conservatives	20	Radicals & Radical Socialists	139
Moderate Republicans	117	Socialists	102
Left Republicans	52	Republican Socialists	35
Independent Radicals	75	Communists	29
	264		305

In France it is the practice for cabinets which have been repudiated at the polls to wait to meet the new Chamber. Since 1877 all the cabinets have remained in office until a vote of the Chamber decided their fate, with the single exception of Waldeck-Rousseau, who, after the elections of May 1902, retired on June 3 and left to the President of the Republic the task of constituting a new ministry.[3] M. Poincaré in 1924, however, resigned without meeting the Chamber and having a formal adverse vote. The result of the election was much more unmistakable than is usually the case in France, where the normal situation is that which confronted Mr. Baldwin in 1923. New groupings usually occur after the Chamber is organized but in this case it was certain that the astonishing success of the Cartel des Gauches meant the downfall of M. Poincaré.

[1] After the elections the Senate again voted in favor of the *scrutin d'arrondissement* and proposed also that the Chamber be composed of 609 members. This sugar coating of the law was likely to appeal to the Chamber since it would increase each deputy's chances of reelection.

[2] In 1919, 143 seats out of 610 went to candidates who would not have been elected under a system which did not make it possible for minorities to be overrepresented. See Georges LaChapelle, *Elections législatives du 16 novembre, 1919. Résultats officiels avec application de la R. P. départementale.* (Paris, 1920). The recent results are similarly analyzed by M. LaChapelle, *Elections législatives du 11 mai, 1924.* (Paris, 1924).

[3] Auguste Gauvain, "Les Elections législatives", *Journal des Débats* (*édition hebdomadaire*) May 16, 1924.

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The elections also profoundly influenced **the French presidency.** President Millerand had made speeches in the country asking for the support of the Bloc National and had vaguely intimated that if M. Poincaré were repudiated he (M. Millerand) might feel called upon to resign. It was an unusual presidential participation in party politics; "the mute idol in a pagoda," as M. Hanotaux had described the French president, stepped outside of his constitutional functions. He had lined himself up against the Cartel des Gauches. Consequently on June 1 when M. Poincaré resigned, the deputies of the Socialist, Republican-Socialist, Radical-Socialist, and Radical parties passed resolutions opposing M. Millerand's continuance in office. The same day, 307 representatives of the Cartel des Gauches passed a resolution: "Considering that M. Millerand, President of the Republic, has in conflict with the spirit of the Constitution pursued a personal policy; considering that he has openly taken sides with the Bloc National; considering that the policy of the Bloc National has been condemned by the country; is of the opinion that the continuance of M. Millerand at the Élysée would injure the Republican conscience, would be the source of incessant conflict between the Government and the head of the state, and a constant danger to the régime itself."

M. Millerand refused to resign on the ground that he must represent the constitution, which provided impeachment as a method of getting rid of the president. He asked M. Herriot to form a Government; but M. Herriot refused on the ground of M. Millerand's conduct. M. Millerand then called upon M. François Marsal, who formed a phantom ministry which faced the Chamber of Deputies on June 10. This cabinet was defeated by 115 votes and the Senate passed a similar resolution declaring that it would recognize no ministry which did not represent a majority. M. Millerand thereupon decided to resign; his letter was read to both Chambers on June 11 and on June 13 the National Assembly met at Versailles and elected a **new president.** M. Gaston Doumergue received 515 votes as against M. Painlevé's 309. Both candidates belonged to the Left but M. Doumergue was favored by the Right, who acted on the principle, it was said, that "Cholera was better than the plague." As M. Painlevé had been M. Herriot's candidate more distinctively than M. Doumergue, the result was deemed a defeat for the new prime minister. Moreover, M. Herriot was unable to select some of his supporters as chairmen of the more important commissions of the Chamber and the Senate; but these were mere incidents. The important facts were that M. Herriot was prime minister at the head of a **Government of the Left** and that this was to have an important bearing on Anglo-French relations and on the general European situation.[1]

[1] For the documents in connection with M. Millerand's attitude toward his

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On June 19, M. Herriot received a vote of confidence in the Chamber of Deputies, 313 to 234. On June 28, he asked the Chamber to vote 205,000,000 francs for the expenses of the Ruhr occupation. This, he said, "could not be evacuated immediately without abandoning the rights of France." The Communists voted against the measure and the Socialists abstained, so that if the Bloc National had desired, it could have defeated the ministry. But it was impossible for the Right to appear as voting against the Ruhr occupation. M. Herriot's financial proposals were presented in the form of a **budget** to the Finance Commission of the Chamber of Deputies on September 30. It was contended on behalf of the Herriot Government that the budget would be balanced for the first time in ten years. The expenditures were around thirty-two billion, five hundred million paper francs (32,500,000,000)—approximately $1,800,000,000. The Government, for economy's sake, reduced the usual autumn military maneuvers—an action commended by the parties of the Left, but denounced by the Nationalists and Conservatives.

It was always evident, however, that the Herriot Cabinet rested on an unstable coalition of the Chamber of Deputies and was kept in office only on account of the successful outcome of the London Conference (*cf.* p. 33). In July (1924) the Chamber of Deputies put through an amnesty act for war offenders. But the passage of the measure was possible only because the deputies supporting it secured proxies from their colleagues and final action was taken in a house which, if polled on the basis of those present, would not have approved the measure. On December 16 the Chamber of Deputies by a vote of 365 to 120 accepted the amendments which the Senate had on November 18 made to this bill. Under it former Premier **Caillaux and M. Malvy**, former Minister of the Interior, are granted amnesty and both are now likely to figure in politics.

In January an **agreement with the Vatican** was reached, giving the Catholic church the right to organize eighty "diocesan associations"

office and his resignation see *Revue du droit public,* April-May-June, 1924, p. 242, and July-August-September, p. 463. The "Left" Cabinet which was formed was as follows: General Maurice Nollet, minister of war; René Renoult, minister of justice; Camille Chautemps, minister of the interior; Etienne Clémentel, minister of finance; Jacques Dumesnil, minister of the navy; M. Raynaldy, minister of commerce; Victor Peytral, minister of public works; François Albert, minister of education; Justin Godart, minister of labor and health; Édouard Daladier, minister of labor and health; Édouard Bovier-Lapierre, minister of pensions; M. Queuille, minister of agriculture; Victor Dalbiez, minister of liberated regions. In addition the following Under Secretaries were appointed: Pierre Robert, ports and telegraphs; Leon Meyer, merchant marine; Laurent Eynac, aviation; and Vincent de Moro-Giafferi, technical instruction.

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of thirty members each to hold the property which was expropriated in 1905. But the advent of the Herriot Government, as might have been expected, raised questions as to the relations between the **Church and the State.** On September 22 it was announcd that the Herriot budget for 1925 would make no provision for the French Embassy to the Vatican. This, it was said, would be a less contentious method of suppressing the Vatican Embassy than dealing with it in a special law. There were controversies also about the status of the Roman Catholic Church in Alsace-Lorraine. The Herriot Government proposed to bring Alsace-Lorraine under French administration and laws, thereby terminating religious privileges which the rest of France did not enjoy. The Bloc National had left undisturbed the essentially Catholic population of the recovered provinces.[1] Six cardinals of France, on September 26, protested to M. Herriot in a letter in which they declared that the proposed measures relating to Alsace-Lorraine (including education without religious teaching) constituted "a grave menace to internal peace, justice and liberty; to the interests of the country and to the respect for France in the eyes of foreigners." M. Herriot replied that it was a matter which the people of Alsace-Lorraine should settle directly with the Central Executive.

GERMANY: Cabinet Crises and Elections.—At the beginning of summer, 1923, the German Reich was in dire straits, indeed, and profound pessimism had seized the great mass of the German people. Passive resistance to the Franco-Belgian occupation of the Ruhr, far from forcing an amelioration of the situation, had merely stiffened French coercion and reacted to redouble the distress already existent in Germany. The mounting costs of prosecuting the policy necessitated an ever-increasing output of **paper money** until by July 23 some 32 trillion marks were in circulation. The value of the paper mark plunged headlong into the abyss of infinite depreciation, reaching and passing the million-to-a-dollar point by July 30. "Berlin became a city of penniless millionaires." Simultaneously prices rose to staggering heights. Food resources in the Ruhr had dwindled alarmingly, and even in unoccupied Germany the food situation was aggravated by the refusal of agriculturists to exchange their much-needed produce for worthless paper currency. On all sides there arose a clamor of labor for payment of a living wage in real money, and business circles angrily demanded a fixed monetary standard for calculating values.[2] **Unemployment,** discontent and disaffection were ubiquitous, strikes and rioting occurred in practically all im-

[1] For a full discussion of the controversy, see Sisley Huddleston, "Discontent in Alsace Lorraine", *Current History,* September, 1924.

[2] For statistics on the rise of prices and other economic matters, see *Statistisches Jahrbuch für das Deutsche Reich, 1923.*

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portant cities. The Communists made remarkable accessions in strength late in July. Nationalist demonstrations in Bavaria and unusual activities of monarchists everywhere increased the general feeling of uneasiness. The moderate Socialists pressed for currency stabilization, but the Cuno cabinet advanced no definite and adequate reform program. Its currency and taxation measures, though well-meant, were futile, and the withdrawal of Socialist support forced the **resignation of the Chancellor** and his colleagues on August 12.

To Dr. Gustav Stresemann, leader of the People's party, was entrusted the formation of a **new cabinet,** which, as finally constituted, embraced one additional member of his own party, four Socialists, three Democrats, and three Centrists. A measure of renewed hope and confidence was inspired by the more direct and vigorous methods of the new Government in attacking Germany's acute food, fiscal and foreign problems. It was high time. Open talk of inevitable civil war had produced widespread agitation for a military dictatorship. The greatest peril to the maintenance of German unity and stability lay in the agitation of the Nationalists and Communists—the one centered in Bavaria and the other in the large industrial districts, especially Saxony. In a desperate struggle to avert collapse of the social order and body politic, the Stresemann Ministry, with the cooperation and support of President Ebert, assumed virtually dictatorial powers. Drastic measures were taken to stabilize the currency. "A brutal tax policy" sponsored by Hilfferding, Socialist Minister of Finance, provided an increased revenue, but though receiving appreciable popular approbation, the new measures were vigorously combated by the industrial magnates, the agrarians, and others upon whose unwilling shoulders the additional fiscal burdens were laid. Passive resistance in the Ruhr was abandoned.

The consequent institution of a reactionary dictatorship in Bavaria caused President Ebert forthwith to proclaim a state of emergency throughout the country. By means of a modified form of martial law, serious outbreaks of Communists and Monarchists were narrowly averted, but the opposition of "big business" to Hilfferding's taxation currency measures, agitation for abolition of the eight-hour day, and the correlative demand for nationalist participation in the Government, combined with the Socialist and Communist insistence upon a speedy restoration of constitutional guarantees to force the resignation of the **Stresemann Cabinet** on October 3. No other chancellor or coalition seemed feasible at the critical moment, however, and after the replacement of the "obnoxious" Hilfferding by an unoffending Centrist, the Stresemann Government resumed office.

The **Rhenish separatist movement,**[1] unofficially countenanced and

[1] An interesting discussion of this movement is "L'Échec du séparatisme rhénan, 1918-1923", by Guy de Traversay, in *Revue des deux mondes,* 15 janvier 1925, pp. 304-327.

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connived at by the French and Belgians, came to a head in October, and in the Rhineland and Palatinate separatists managed to gain possession of a number of towns. But international public opinion frowned on the venture, and under pressure from the British, Franco-Belgian military support was withdrawn, followed by a speedy and ignominious collapse of the "Rhenish Republic." The separatist movement proved a complete fiasco and died out in the early months of 1924.

Much more menacing was the resurgence of extreme **nationalism and monarchism in Bavaria.** Though an abortive coup d'état—derisively designated the "Beer Hall Putsch"—executed at Munich on November 8 by General Ludendorff and his associate, ex-corporal Adolph Hitler, the bellicose leader of the gray-shirted Bavarian fascisti, was easily frustrated, an open break between the Reich and Bavaria was only prevented by the cautious and tactful policy of conciliation employed by the Stresemann Cabinet. Less delicate measures were utilized in dealing with the **ultra-Socialistic governments of Saxony and Thuringia,** where Communism had seemingly gained the upper hand. Direct federal military coercion facilitated the supersession of the "Red rule" by more moderate Socialist control.

Indignant at the forbearance of the Government toward Monarchist Bavaria, and the summary action taken against ultra-Socialistic Saxony, the Social Democrats withdrew from the Cabinet. The trend of events, coupled with Stresemann's decision to abandon all active assistance to the people in the occupied region, eventuated in a Reichstag vote of no confidence (155-230) and the consequent **resignation of the Stresemann Cabinet** on November 23, 1923. A whole week of frantic but fruitless political maneuvers elapsed before the Clerical leader, Dr. Wilhelm Marx, managed to form a **new Coalition,** resting upon the Center, the Democrats, the German People's party, and the Bavarian People's party. Representing as it did the chief landed and business interests of the country, the new combination was not radically different from its predecessor, the Stresemann Government, and faced the same political alignment and the same overwhelming problems. To enable the Government to take drastic action in regard to the critical social and economic situation, the new Chancellor immediately requested and received from the Reichstag (Dec. 8, 1923 by a vote of 313-18) a blanket grant of plenary power for an indefinite period.

Before the end of 1923 a new fiscal institution, the so-called **Rentenbank,**[1] was established with the function of issuing a new currency token—the Rentenmark—secured by an hypothecation of the private

[1] For decree on the creation of the Rentenbank, see *L'Europe Nouvelle,* Nov. 17, 1923, p. 1485.

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property of the Reich. This new circulating medium resulted in a gradual stabilization of prices and also inspired general confidence. In conjunction with the so-called "gold-loan" currency issued since the preceding October, it placed prices definitely upon a gold basis. These monetary reforms, however, did little to ameliorate the plight of the middle and laboring classes, who suffered because of the fall in real wages and the continued derangement of the food situation. Nor did the stabilization of the currency suffice for general fiscal soundness. In spite of heavily increased taxation and reduced expenditures, the Government budget remained unbalanced. By a drastic ordinance promulgated on January 31, 1924, most of the public debt, federal, state and municipal alike, was temporarily if not totally repudiated pending the full payment of reparations due under the Treaty of Versailles.

On March 13, 1924, after a legislative existence of nearly four years, the Reichstag was dissolved by presidential decree and new **elections** were ordered to be held on May 4. Restoration of monarchy or establishment of a soviet versus the maintenance of the republic, together with diverse opinions on the proper attitude of Germany toward the Dawes Reparation Plan (see p. 30) as reported on April 9, constituted the chief issues debated in the pre-election campaign, although significantly enough the overshadowing "news" event of the period was the death on April 10 of Hugo Stinnes, the veritable "captain" of German industry and finance. Communists and Nationalists alike denounced the Dawes Plan as calling for supine submission to international financial control, but moderate German comment on the experts' report was fairly favorable. Dissatisfaction was voiced with divers provisions, but it was believed that the project offered the only feasible egress from the international *impasse* in the Ruhr. The **result of the election,** though not revolutionary, was far from reassuring. Its outstanding feature was the strengthening of the extreme Right and extreme Left at the expense of the middle parties supporting the Republic. In the resulting Reichstag the new National People's Freedom (Völkische) party had 32 seats, the Nationalists 96, the German People's party 44, the Democrats 28, the Centrists 65, the Bavarian People's party 16, the Bavarian Agrarians 10, the Bauernbund 10, the German Social party 4, the Hanover party 5, the Social Democrats 100 and the Communists 62.

The **Marx-Stresemann Cabinet** relinquished office, but the Nationalists to whom Ebert turned for the formation of a new Government were refused support by the moderate parties of the Middle, which, imbued with new confidence as a result of the French election, felt strong enough to demand pledges of support for the existing foreign policy and the execution of the Dawes Plan. The Nationalists flatly rejected these conditions, and stipulated as the price of their partici-

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pation in the Government that Foreign Minister Stresemann be eliminated, that they (the Nationalists) be given controlling power, and that the national foreign policy be altered to "one compatible with German honor." Reactionaries formulated even more extreme demands, but, though the People's Party seemed disposed to compromise, the whole program was nullified by the opposition of the Centrists and Democrats, and by May 30 the Nationalists announced their inability to cooperate with the middle parties. So the Marx-Stresemann Cabinet remained, and after a sharp two-day debate during which the Chancellor and Foreign Minister championed the Dawes Plan "as indispensable to German salvation"—"the economic Bible of the present era," Stresemann dubbed it—gained a vote of confidence (247-183) in the Reichstag on June 6. In response to the pressure of industrial and agrarian interests fearful of economic ruin and social chaos, important elements of the Nationalist party renounced their obstructionist tactics, and on July 26, just on the eve of the German delegates' departure for the **London Reparations Conference** (see p. 33) the Government foreign policy was upheld by a special Reichstag vote of confidence (172-62). Immediately after the successful termination of negotiations at London, Herr Marx and Herr Stresemann waged a vigorous campaign in the Reichstag and out for ratification of the conference report. Furious attacks by Communists and Nationalists nearly caused a dissolution of the Reichstag, but at the last moment late in August a sufficient number of Nationalists were won over to the support of the comprehensive economic measures necessary for fulfillment of the Dawes Plan requirements. The final vote on the all-important Railroad Bill was 314 to 127, the two-thirds majority constitutionally requisite to alienate control of the national transportation being thus obtained by a comfortable margin. Commencing with the initial payment due on September 1, Germany faithfully met all of its obligations under the London protocol. Late in October German authorities resumed control over the administration of customs, post offices and domains in the Rhineland, and the French evacuation of the Ruhr was gradually begun. Once more the German Reich was economically united.

Meanwhile the **economic recovery** foreshadowed at the beginning of 1924 was slowly materializing. To facilitate the extension of business credits a new gold bank of discount was established during April. Unemployment persisted but had passed its worst stage, and despite a continued shortage of credit industrial enterprise manifested considerable gains throughout the summer. A strong movement was launched to improve Germany's foreign trade relations not only in Central and Eastern Europe but also with the Western countries. In this connection one must note the manifestation of considerable anti-protectionist sentiment. Before its adjournment on August 30

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the Reichstag had a heated debate on the tariff and much opposition continued to be voiced by the Foreign Trade Association against the prevailing high tariff schedules. Industrial and commercial improvement, however, was partially facilitated and also accompanied by steady encroachment upon the legally established **eight-hour day** without corresponding betterment of wages—a tendency which caused growing dissatisfaction among the workingmen and led to sporadic but serious strikes during the late spring and early summer. Representatives of organized labor asserted that industrial magnates and employers generally were exploiting the workers under plea of patriotic necessity and would utilize the Dawes Plan as a screen for the complete abolition of the already greatly impaired eight-hour standard.

The resuscitation of finance, industry and commerce did not put an end to **political unrest.** Early in October, the People's party, closest in affiliation to the Nationalists and captained by Stresemann, issued an ultimatum virtually threatening to withdraw its support from the Government if the Nationalists were not granted representation therein. Marx's Centrists and the Democrats objected to the admittance of Nationalists without the Socialists, while Stresemann's People's party obstinately insisted upon Nationalist participation without the Socialists. The deadlock could be broken only by dissolving the Reichstag, which was accordingly done on October 20, new elections being set for December 7.

In essence the **election campaign** was strikingly similar to that which took place during April and May, the real line of cleavage being again bared on the issues of fulfillment of treaty obligation and maintenance of republicanism. The Nationalists and Communists continued their customary violent agitation, but their ranks were broken by dissensions. **The outcome of the election,** though strengthening the Socialist position, failed to give any group a clear majority in the Reichstag. The National Popular Freedom party secured 14 representatives (a loss of 18), the Nationalists 103 (gain of 7), the German People's party 51 (gain of 7), the Democrats 32 (gain of 4), the Bavarian Agrarians and Wirtschaftspartei 17 (gain of 7), the Bauernbund 8 (loss of 2), the Hanoverians 4 (loss of 1), the Social Democrats 131 (gain of 31), the Center 69 (gain of 4), and the Communists 45 (loss of 17). The fact that the two sets of noisy extremists had their representation diminished did not serve to clarify the situation. Two coalition plans received consideration: one calling for a bourgeois bloc made up of the Centrists, Democrats and People's party and the Nationalists; and the other constituting a union of all the groups favoring the Dawes Plan including the Social Democrats, but excluding the Nationalists. Chancellor Marx invited Socialist participation in accordance with the second plan, but the move

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was frustrated by Stresemann's refusal to serve in the same cabinet with Socialists. On December 11, therefore, Marx submitted his resignation, though in response to Ebert's request he continued temporarily to administer the Government. Stresemann's efforts to organize the bourgeois bloc to be pitted against the proletarian Socialists and Communists were blocked by the refusal of the Catholic Centrists to countenance such a step. The year ended with Herr Marx fruitlessly endeavoring to form a non-partisan Cabinet newly authorized by President Ebert.[1]

THE GERMAN REICHSTAG ELECTIONS

NUMBER OF SEATS SECURED BY EACH PARTY *

Party	Constituent Assembly Jan. 19, 1919	1st Reichstag June 6, 1920	2nd Reichstag May 4, 1924	3rd Reichstag Dec 7, 1924
Communists	....	4	62	45
Independent Socialists	22	84	....	....
Social Democrats	163	102	100	131
Democrats	75	39	28	32
Centrists	91	64	65	69
Bavarian People's Party	....	21	16	19
German People's Party	19	65	44	51
German National People's Party	44	71	96	103
German Social Party	....	....	4	....
Bauernbund	....	....	10	8
Hanoverians	1	5	5	4
Bavarian Bauernbund and Economic Party	4	4	10	17
German Popular Freedom Party	....	....	32	14
Others	2	....	....	....
	421	459	472	493

* These tables are based largely on the *Statistisches Jahrbuch*, pp. 346-7, and on informing articles in *La Vie des Peuples*, janvier 1925, pp. 157-182, and *Revue Bleue*, 17 janvier 1925, pp. 51-5.

[1] M. W. Graham and R. C. Brinkley, *New Governments of Central Europe* (Holt), J. H. Morgan, *The Present State of Germany* (University of London Press), and Count H. C. U. Kessler, *Germany and Europe* (Yale University Press), are among the more interesting new books on the post-bellum situation of Germany. The monthly records of affairs in Germany by Professor W. R. Shepherd and, latterly, by Professor H. J. Carman, published in *Current History*, are particularly valuable for fuller accounts of current events than space here permits.

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THE GERMAN REICHSTAG ELECTIONS

NUMBER OF VOTES CAST FOR EACH PARTY

Party	1st Reichstag June 6, 1920	2nd Reichstag May 4, 1924	3rd Reichstag Dec. 7, 1924
Communists	591,500	3,746,671	2,698,956
Independent Socialists	2,971,220	234,708	98,533
Social Democrats	6,181,011	6,014,380	7,859,433
Democrats	2,334,034	1,657,957	1,915,187
Centrists	3,842,691	3,920,078	4,117,481
Bavarian People's Party and other small groups	1,173,344	946,649	1,120,752
German People's Party	3,921,422	2,640,484	3,046,443
German National People's Party	4,250,158	5,776,313	6,180,281
German Social Party	.....	337,924	157,835
Bauernbund	.....	574,280	498,003
Hanoverians	.....	319,779	262,569
German Popular Freedom Party	.....	1,926,553	901,601
	27,483,971	29,388,588	30,245,357

GREECE. — After several postponements, general elections were finally held without untoward incidents on December 16. More than one-third of the 400 members of the new National Assembly were avowed republicans and most of the remainder were Liberals decidedly in favor of republicanization but averse to a *coup d'état*. On Dec. 18, 1923, in response to pressure from the Gonatas Cabinet, King George and Queen Elizabeth left the country, a Regency being established for the emergency. Ex-Premier Venizelos now returned from Paris to become president of the National Assembly and premier. Continued heart attacks compelled Venizelos to relinquish office early in February, but he remained to advise the new ministry and following his moderate counsels arrangements were made on February 27 for a plebiscite to secure popular authorization for the establishment of a republic. On March 16 it was decreed that the country's official title should be changed from "Kingdom of Hellas" to "Hellenic State." On March 25, the 289 members present in the National Assembly unanimously deposed the dynasty and declared Greece a republic, an action which received decisive popular sanction in the relatively untrammeled plebiscite of April 13 (758,742 to 325,322). Admiral Koundouriatis, the Regent, was appointed provisional president. Within a month the new order was recognized by numerous foreign states, Turkey being in the vanguard. The draft of a new constitution published on May 18, in addition to making formal authorization of the presidency, continued the cabinet system on the French model and provided for a bicameral legislature.

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HUNGARY.—The most important event affecting Hungary, during the years 1923-1924, was the adoption of a plan of financial rehabilitation under the supervision of the League of Nations (*cf.* p. 16). Regent Horthy, "the admiral on horseback," and Premier Bethlen were almost continually under fire from ultra-nationalistic reactionaries, as well as from the Socialists. Toward the latter, harsh severity, toward the former, marked indulgence, was shown by the administration. Indeed, the agitation carried on by the "Awakening Magyars" and other chauvinist organizations gave no little concern to neighboring countries, fearful of Hungarian irredentism. The Government at times resorted to quasi-dictatorial methods; for example, in Dec. 1924 the ministerial majority in the National Assembly empowered the Speaker to terminate debates and even to exclude the opposition from legislative proceedings.

ITALY.—Utilizing the grant of plenary powers which had been exacted from Parliament (Nov. 20, 1922), Premier Mussolini effected important **administrative and financial** reforms. A new ministry of national economy was established in July, 1923, absorbing the functions of the three ex-ministries of agriculture, trade, and industry and labor. In August, 1923, upon the resignation of Colonna di Cesaro, minister of posts and telegraphs, his department was incorporated in the new ministry of communications together with the commissariat for the railroads and mercantile marine. Also the practice of having individual ministers report to Parliament was discontinued; Mussolini, replacing the king at the head of the ministerial council table, henceforth reported for all. In order to avoid the utilization of the regular army for the maintenance of order and yet to assure a reserve police force without great expenditure, Mussolini, by a royal decree of Jan. 15, 1923, created an emergency "Volunteer Militia for National Safety" with a normal strength of 300,000 men and thoroughly Fascist in character since its recruits had to be approved by Fascist officials and took an oath of allegiance not to the king, but to "the duce" of Fascismo, Mussolini himself. In other departments the number of officials and posts was ruthlessly cut down. But the most important reforms were those in the railways and in the postal and telegraph services. The railway deficit for 1921-1922 had been 1,258,000,000 lire; for 1922-1923 it was reduced to 906,000,000 lire and for 1923-24 to 375,000,000. In December, 1924, the Minister of Communications declared that the railway deficit had been completely eliminated, that the postal, telegraph and telephone services were being conducted with a surplus, and that the subventions allowed to private steamship companies had been materially diminished. All indications prefigured the existence of a slight budgetary surplus at the end of the fiscal year on July, 1925. The **currency situation** showed improvement. The amount of paper money in circulation

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was reduced by easy stages. A loan of 400,000,000 lire to Poland floated in Rome was the first large transaction of the kind to be underwritten by Italian bankers.

Improvement in the general **labor situation** was manifest, whether it was due to Fascismo or to the upswing of the business cycle toward revived prosperity. Unemployment decreased from 432,000 on May 1, 1922 to 270,000 on May 1, 1923. It is estimated that from November 1, 1922 to Oct. 31, 1923, only 227,000 working days had been lost through strikes as compared with 8,000,000 for the corresponding period of 1921-1922, though this year in turn had registered a "striking" decline over the disastrous year 1920-21. With few exceptions necessitated by special conditions, Mussolini introduced the eight-hour day for all occupations. During the nine months ending with September, 1924, imports into Italy were valued at 13,787,000,000 lire and exports at 9,773,000,000, making an import excess of 4,014,000,000 lire. This was a substantial improvement over the corresponding period in 1922 when the unfavorable balance was 5,350,000,000.

Another aspect of Fascist policy has been the emphasis upon **elaborate ceremonialism.** The twenty-seventh Parliament, opened on May 24, 1924, the ninth anniversary of Italian intervention in the Great War, was ushered into existence mid all the old-time pomp and splendor. September 20, the anniversary of Garibaldi's entry into Rome in 1870, and the great national holiday, was celebrated in commensurate style as was likewise October 28 in commemoration of the Fascist "March on Rome" in 1922. On Nov. 3, 1924, Italy's "Armistice Day," Generals Cadorna and Diaz were elevated to the newly-created rank of Marshals of the Italian army. The professed aim of the Fascisti was to reconstruct the Italian nation on a new basis, with spiritual values predominating over materialism. Patriotism was glorified, and Fascism in conquering the state aspired simultaneously to identify itself with nationalism.

The Fascist administration cultivated more cordial **relations with the Catholic Church,** though Fascism was opposed by a large section of the Popular (Catholic) party and though the wreaking of violence upon Catholic workingmen's clubs by Fascist antagonists of Social Catholicism occasionally engendered friction with the Vatican. However, in spite of multiplying signs of increased friendliness, on November 28, 1923, the *Osservatore Romano,* semi-official organ of the Vatican, published a warning against the general belief that the breach between the Papacy and the Italian Government would soon be healed.

Sweeping **educational reforms,** instituted during 1923 by Signor Gentile, Minister of Education, provided (for reasons of economy) for a reduction in the number of Government schools and a limitation in the number of students therein enrolled. This placed a heavy

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burden on church and private schools, but the disadvantages entailed were in part compensated for by the introduction of a State examination system placing pupils of private educational institutions on the same plane as those attending lay public schools.

In the sphere of **national defence** and foreign policy, the aim of the Mussolini Government was notably vigorous. The regular army, which under Nitti had been curtailed to 175,000 men, was brought back to its pre-war strength of 275,000, and the period of training which had been reduced to eight months was raised to eighteen months. The navy was maintained by new construction of light cruisers, destroyers, submarines and other craft not inconsistent with the limitations imposed by the Washington Conference of 1921-1922, and a beginning was made on an ambitious program of aeronautical construction and development designed to make the air forces second only to those of France in defensive and offensive power.

In his general conduct of **international relations,** Mussolini, who personally held the portfolio of foreign affairs, was considered conspicuously successful. His policy in the Janina-Corfu incident (*cf.*, p. 3) was fervently supported in Italy; he obtained Fiume by a new treaty with Yugoslavia (*cf.* p. 24); he effected *rapprochements* with Spain (*cf.* p. 23) and Czechoslovakia (*cf.* p. 24); he secured commercial advantages by recognizing Soviet Russia (*cf.* p. 171); he added part of Jubaland (*cf.* p. 26) to the Italian colonial domain; he concluded an arbitration treaty with Switzerland (*cf.* p. 24).

Following Mussolini's direction (*cf.* last RECORD, p. 105), Parliament when it met on July 2, 1923, took up for consideration a proposed **electoral reform** presenting the following features: every duly qualified and registered citizen to vote for the party list which he should prefer, each list comprising a number of candidates for each of fifteen regional electoral constituencies; the result of the vote on a national scale to indicate the relative strength of the various parties; and the party receiving the largest number of votes (provided it secured at least 25% of the total) to be assigned two-thirds of the seats in the chamber, the remaining third to be allocated to the other parties in the form of regional groups on a basis of proportional representation. The object of the scheme was to ensure stability and homogeneity to the Government by obviating the perennially shifting coalitions fostered by the group system or multi-party representation in Parliament. This revolutionary proposal generated considerable criticsm among the *Popolari* (Social Catholics) and non-collaborationist Liberals, but whether as a result of the premier's ingenuous threat to govern without Parliament if he were defeated, or his eloquent speech (July 16) in defense of the measure, the bill enacting it into law passed the Chamber late in July and received the approbation of the Senate during the following November. Don Sturzo, secretary-

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general of the Popolari, resigned on July 10, because of party differences over the reform bill, to which he personally was opposed, and on July 26, the party council expelled those Catholic deputies who had supported its passage. On August 8, Socialist party leaders were thrown into consternation by the organization of a dissenting group of Socialists to support the Government and collaborate with the premier. The *Confederazione Generale del Lavoro* ended its August (1923) meeting with a distinct defeat of the Communists, Maximalists and other Socialist extremists, and a clear victory for supporters of the "collaborationist" tendency.

The autumn of 1923 was characterized by the development of **internal dissensions** in the Fascist party between ambitious local leaders (*rai*) of intransigeant, non-collaborationist and revolutionary propensities (typified by Farinacci of Cremona) and the central authorities at Rome. At the October meeting of the grand council of the party, Mussolini secured a thoroughgoing reorganization which completely discredited the extremists and left the "duce" himself in supreme control through a committee of five members nominated by him and endowed with complete executive authority subject to his veto. After a period of uncertainty, Parliament was prorogued by royal decree on December 10, 1923, and definitely dissolved on January 24, 1924, new elections being set for April 6. From late November on, **party alignments** were actively discussed by the Italian press. The Socialists were almost uniformly in opposition. The Popular party was divided, Don Sturzo (though handicapped by a papal ban on political activity among the priests) leading the majority in opposition. The Liberals, also, were divided. Even among the Fascisti, despite the October "purification" measures, there yet remained a coterie of provincial leaders of an uncompromsing tendency opposed to the collaboration with other parties sponsored by Mussolini. Ex-Premier Nitti's house was raided in November; on December 27, the "Nittian" opposition deputy Amendola was severely beaten; and other acts of violence were reported from time to time. As soon as the dissolution of Parliament was announced, the Fascist party directorate set to work to prepare a list of candidates and since the Government was practically certain to triumph in the elections, there was keen competition for these "safe seats." Receiving nominations from local leaders in the fifteen electoral regions, a specially constituted **Central Nominating Committee** of five active Fascists—the so-called *pentarchia*—actually made up the lists subject to Mussolini's revision. Some 200 of the 356 nominees on the Government list were ex-combatants and there were also a considerable number of men eminent in science, art, literature, scholarship, industry, agriculture and finance. The great majority were Fascisti, but numerous Liberal and Democratic collaborationists were also included. Ex-premier

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Salandra, leader of the Right, accepted with alacrity; the Democratic ex-premier Orlando was reluctantly won over. The Fascisti, whose chief support lay in the North, were solicitous about the South where revolutionary Socialism had never secured a foothold and therefore Fascismo had appeared less necessary. Meanwhile, the various opposition parties, conceding victory to the Government, contented themselves with competing for the 179 seats reserved for minorities.

Though the **electoral campaign** was not especially bloody, there was an undercurrent of violence and coercion employed to restrict the electioneering opportunities of the avowed opponents of the Fascisti. Buttressed by the Government and by an admirably disciplined party organization, the Fascist lists swept everything before them, and the result of the balloting on April 6 was an overwhelming victory. The number of votes cast was 7,628,857 or 73% of the registration (as compared with 58% in 1921 and 52% in 1919). Of these 65% went for Government nominees on first and second lists. The Fascisti proved especially strong in the country districts and unexpectedly weak in the large industrial cities. Among the nineteen opposition parties, the Popolari polled 9% of the total vote; the United Socialists, 6%; and Maximalists, 5%; and the Communists, 3.7%. The new Chamber of Deputies elected to serve for five years comprised the following groups: Government party (predominantly Fascist) 375; the Popular (Catholic) party, 40; Constitutional Opposition, 12; Social Democrats, 11; Republicans, 7; Ethnical minorities (Germans and Slavs) 4; Peasants party, 3; Sardisti, 2; Unitarian Socialists, 25; Maximalist Socialists, 22; and Communists, 17.

The **twenty-seventh Italian Parliament** opened on May 24. Mussolini explicitly warned the legislators that he expected efficient collaboration. "Italy is just beginning her very last Parliamentary experiment," he said, "If it succeeds, all right; if it fails, Parliament will be suppressed and its place taken by other vehicles of government." A series of incidents during the opening days of the debate prefigured a stormy legislative session. Deputy Matteotti, the brilliant and fearless young secretary-general of the United Socialists, vehemently assailed the legality of the recent election and was violently denounced by Deputy Giunta, former secretary-general of the Fascist party.

Deputy **Matteotti** was mysteriously kidnapped and murdered by Fascist gunmen and professional assassins within a week (on June 10). The responsibility for the instigation of the crime was subsequently laid at the door of Filippo Filipelli, editor of the *Corriere Italiano*, Giovanni Mannetti, Financial Secretary of the Fascist party, and Cesare Rossi, Director of the Press Bureau in the Department of the Interior. The conspirators seem to have been actuated by fear of revelations that Matteotti was expected to make during a prospective

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speech on the budget the following day. In his correspondence, Matteotti had charged that the much vaunted budgetary savings were more apparent than real; that the diminution in number of State employees had been accompanied by an active increase in their cost; and that there was still a deficit of 900,000,000 lire in the operation of the railroads. It was also believed that in his speech Matteotti would reveal graft in high Fascist quarters and that he possessed documents to substantiate and corroborate his charges. On June 12 a storm broke loose in the Chamber when Mussolini officially announced the Deputy's disappearance. After a tumultuous scene the Opposition absented itself from subsequent sessions of Parliament. In their absence the Fascist majority adopted the budget with its 2,000,000.000 lire deficit, after which the session of the Chamber was prorogued. On June 24 Mussolini addressed the Senate in an apologetic spirit, conceding the necessity for ministerial changes, but deploring the activity of the Opposition press and refusing to consider giving up the militia. One June 25, however, he announced that the militia would henceforth swear allegiance to the king. This concession failing to appease the Opposition, it was subsequently announced that membership in the militia would be open to everyone and that it would be commanded by a regular army general. On June 30, by the appointment of four new ministers and several under-secretaries, the cabinet was reorganized on a basis more truly representative of the various groups making up the Government majority. But on July 1, the Opposition decided to continue its abstention from Parliament. On July 8, in swift retaliation, Mussolini, having gotten a stronger grip on the situation, put into force a modified but not moderated form of **press censorship** authorized by a decree of July 12, 1923. The intransigent wing of the Fascisti was plainly gaining the upper hand. During the first week of August the Fascist General Congress met in Rome. The power of the extremists was manifest. Mussolini's previously announced program of "normalization" and reform was shelved. Farinacci was appointed one of the directors of the party. A committee of five senators, five deputies, and five technical experts was to be appointed by the new Fascist directors to formulate a plan for such fundamental constitutional changes as might be necessary "to make effective and lasting the conquest of the State by Fascismo." Mussolini subsequently made vigorous efforts to conciliate the Liberals and insure their collaboration. When Italy was again shaken by the assassination on Sept. 12 of the Fascist Deputy Armando Casalini by a workman, the premier exercised great energy in preventing reprisals. But the action of the national congress of the Liberal party at Leghorn (October 5-7) was a serious blow. The final resolution adopted by a vote of 23,714 to 5,490 clearly indicated opposition to Fascismo and requested the abolition

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of the Fascist militia. Provoked by criticism of Fascism voiced at the Leghorn congress, the right wing of the Liberals seceded from the party and under the leadership of Salandra formed a new National Liberal group expressing confidence in and loyal adherence to the Mussolini Government.

Parliament reopened its session on November 12 with seriously depleted membership. The combined Opposition was absent. The Communists, however, were on hand to wage relentless warfare. The Liberals, though in attendance, were a divided group—Salandra and his adherents still loyal, but Giolitti and Orlando numbered among the opponents of the Government. On November 15 a vote of confidence on the entire policy of the Government was adopted, 315 to 6 with 26 not voting. The tension was increased late in November by the publication of letters revealing the instigation of violence for political purposes by high-ranking Fascist officials, including General de Bono, former Chief of the National Militia, and Signor Giunta, formerly Secretary-General of the party, and proving so the Opposition maintained, that "the duce" shared with his henchmen the responsibility for his party's illegal deeds. Mussolini promptly took action to crush out violence in the party, informing his followers in a letter issued on December 1 that a revision of the party's mental, moral and political position was necessary. In seeming consonance with his recent conciliatory course, Mussolini announced that a **new election law** virtually restoring the old uninominal system would shortly be presented for Parliamentary consideration. This proposal was enthusiastically endorsed by Liberals and moderate Fascist elements, but was opposed by the extreme Fascisti and by the chief Opposition forces, who feared that the Fascisti would utilize the occasion of a new election to enact a general amnesty law absolving party adherents from numerous trials then being instituted against them for their illegal activities in the past. Suddenly, Mussolini executed a *volte-face* and reverted to his old policy of blunt independence. In a speech explaining the proposed reforms on Dec. 25, he disclaimed any suggestion of conciliation or compromise. On December 27 the Opposition papers published photographic facsimiles of a memorandum prepared by Cesare Rossi during the week preceding his arrest for complicity in the plot to murder Matteotti. This document definitely involved Mussolini with the whole lawless policy of Fascismo and had a great effect upon a public opinion already profoundly stirred by recent revelations of the same tenor and tendency. Intensified demands for Mussolini's resignation filled the Opposition press. Seizing the whip-hand in party councils, the Fascist intransigents led by Farinacci prevailed upon Mussolini to sanction violent reprisals. On December 31, drastic measures were put into effect to coerce the Opposition. Domiciliary searches, the suppression

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of six newspapers in Rome and four in Milan, and violent demonstrations at Florence on the very last day of 1924 augured ill for restoration of political harmony in Italy during the ensuing year.[1]

NETHERLANDS.—For practically three months during the latter part of 1923, Holland had no real Government. The Dutch Chamber, composed of 100 members, was divided into five major and four minor parties. None commanded a majority and no majority coalition could be formed. The Beerenbroeck Cabinet held office until October with the support of the sectarian parties in the Chamber—the Catholics, Calvinists, the Christian Historicals or Protestant Right. One of its principal measures was a bill for strengthening the naval defences of the Dutch colonies, but it was defeated in the Chamber by one vote; ten Catholics went over to the opposition. The Government resigned and the Opposition made five attempts to form a Ministry. Finally Queen Wilhelmina withdrew her acceptance of de Beerenbroeck's resignation. This action may have been "unconstitutional" but it at least secured a Government, although it was a Government without a majority or a program.

NORWAY.—Parliamentary elections held in Oct. 1924 gave the Conservatives (54) and Agrarians (22) a majority in the Storting, by a margin of two seats, as against a divided Opposition of Radicals (34), Labor Democrats (2), Socialists (8), Labor party (24) and Communists (6).

POLAND.—As the autumn of 1923 advanced, political developments in Poland showed an unmistakable trend to the right and the gradual weakening of the Peasants party of Premier Witos which since 1919 had been the predominant group in each successive coalition government. At the end of October the ministry was reconstructed to include the National Democrats, the chief element of the Right. Emphasis was placed upon budgetary economy and on "purging" the bureaucracy of large numbers of officials of Jewish extraction. Projects of agrarian reform were sponsored by the premier's party. These were badly needed in a country 80% agricultural and with an illiterate and unskilled peasantry cultivating lands of which 40% were owned by some 18,000 large landed proprietors. But the reforms were relegated to the background. Before the end of the year the conservative tendency had culminated in the supersession of the **Witos Ministry** by a new one headed by M. Grabski as Premier and Minister of Finance. A new financial institution—the **Bank of Poland**—with a Government charter giving it a monopoly of the right to issue currency secured by reserves of gold and foreign currency,

[1] Among numerous recent books on the Fascist movement, L. Villari's *The Awakening of Italy* (New York, 1924) and Ivanoe Bonomi's *From Socialism to Fascism* (London, 1924) may be recommended as offering two opposing views.

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commenced operations on April 28, 1924. The bank had a capital stock of 100,000,000 zlotys, the zloty being a new currency unit equal to one gold franc of approximately 19.3 cents which after June 30, 1924 was to become the sole legal money of Poland. Late in August the premier issued final instructions to M. Wroblewski, Polish minister at Washington, empowering him to complete the funding of the Polish debt to the United States. Negotiations eventuated in an agreement signed by M. Wroblewski and Secretary Mellon (Nov. 15) by which obligations amounting to $178,500,000 were funded and interest rates adjusted on an equitable basis. On December 12 after months of discussion at London, relief credits granted to Poland during and after the War were funded by an arrangement under whose terms Poland was to pay the sum of £15,000,000 within fifteen years; the rate of interest was to be reduced from 6% to 5%; and the arrears in interest for preceding years were to be added to the principal. Other Polish obligations to Great Britain to the amount of 5,000,000 zlotys remained to be funded. After the more pressing phases of the financial reform program had been given consideration, the Polish Parliament took up in earnest the question of the proper **treatment of minorities.** On July 9, the Government's Minorities Bill conceding complete freedom in the use of the Ukrainian, White Russian, Ruthenian and Lithuanian languages in the schools and before the courts and administrative authorities, was passed with the support of all the Polish parties but in the face of bitter protest by the various minorities whose deputies regarded the rights acknowledged as insufficient concessions. The Jews were especially disgruntled because of the non-recognition of Yiddish. (On Polish international relations *cf.* p. 21.)

PORTUGAL.—Five different ministries[1] successively but not too successfully guided the Portuguese ship of state during the year and a half under review. According to a British newspaper correspondent at Lisbon, the policies and achievements of each of these kaleidoscopic cabinets have been: (1) To show up its predecessors; (2) to favor stringent economy and propose new schemes for taxation and bureaucratic retrenchment; (3) to get permission to increase the paper currency; (4) to resign. Parliament and public were rent with bitter partisan strife and petty factional politics. The Republicans, for example, were divided into some seven or eight discordant cliques. Restoration of the monarchy, favored by Royalist remnants,

[1] The premiers were: Senhor Antonio Maria da Silva (resigned in Nov., 1923); Dr. Finestal Machado (Nov.-Dec., 1923); Col. Alvara de Castro (Dec. 1923-June 1924); Rodrigues Gaspard (June-Nov. 1924); Dominques dos Santos (Nov. 1924—). Senhor Manuel Teixeira Gomez was elected president in 1923 and inaugurated Oct. 5.

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seemed hardly feasible, but there was some danger of a Communist revolution.

RUMANIA.—The program of national rehabilitation pursued by the Liberal Bratiano Government resulted in large recovery along economic lines. Bolshevist machinations facilitated by proximity to Soviet Russia and the disputed status of Bessarabia (*cf.* p. 23), were persistent. To put a stop to these intrigues, to stifle a growing sentiment of republicanism and to replace the Bratiano Government with a more nationalistic group of ministers, a strong and steadily growing Fascist organization developed during the summer and autumn of 1923. A convention of 20,000 members of the People's party convened at Bucharest in June, 1924, adopted a resolution urging the King to exercise his constitutional rights to terminate the unpopular Liberal rule and entrust the conduct of national affairs to a ministry enjoying the confidence of the masses. Premier Bratiano, however, remained in power.

A new mining measure introduced into Parliament in June and promulgated on July 8, provided, in substance, that foreign companies should henceforth not be permitted to acquire new concessions unless sixty per cent of their shares were held by Rumanians. While it was still under consideration, the Governments of Great Britain, France and the United States lodged vigorous protests, contending that available Rumanian capital was totally inadequate to absorb the shares at their real value.

RUSSIA: Economic Conditions and Political Dissensions.—Generally speaking, the **agricultural situation** in Soviet Russia has been slowly improving during the period under review. The area under cultivation in 1924 was approximately 172,694,000 acres, amounting to about 75% of the pre-war acreage and an increase of 7% over 1923. However, unfavorable weather conditions in certain localities seriously interfered with the crops, with the result that the estimated gross harvest in 1924 amounted to 46,000,000 tons. The figure for 1923 was 51,000,000.[1] The total grain needs of the country have been estimated at 45,000,000 tons, leaving a possible surplus of 1,000,000 tons. The surplus of 1923, about 2,000,000 tons, would bring the total to about 3,000,000 tons. Whether this estimated total of last year's surplus and that of 1924 will permit of export cannot be determined at present. The Finance Commissioner of the Soviet Union, Sokolnikov, has stated that the question cannot be properly decided before the spring of 1925. The export problem has been complicated also by the considerable improvement that has taken place in the prices of agricul-

[1] For statistics dealing with Russian agriculture in 1924 see U. S. Department of Agriculture, *Foreign Crops and Markets*, November 12, 1924, vol. IX, No. 22, pp. 489, 491-494. See also D. P. Pavlov, "Situation of Agriculture in the Soviet Union", in *Russian Review*, January 15, 1925, pp. 30-34.

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tural products. In August 1923 the price of rye in South Russia and the export regions was $0.39 per bushel, and of wheat, $0.79 per bushel; in August 1924 rye was sold at $0.80 and wheat at $1.41. (The prices fell somewhat in September, rye selling at $0.70 and wheat at $1.30.) While this rise in prices has unquestionably benefited the peasant, it has tended to embarrass the Government by increasing the difficulties of export. The effect of the inadequate surplus and high prices was well illustrated in September of last year when the Government purchasing organizations and the cooperatives together were able to purchase only about 343,000 tons of grain, or about one-third of the amount necessary to satisfy their commitments. While it is questionable, therefore, whether Russia will export any noticeable proportion of the 1924 crop, it seems that the general agricultural situation gives promise of improvement during the current year.

According to latest reports available, **industrial activity** in Russia has been steadily increasing. The trend of production has been characterized by greater stability and the absence of those sharp fluctuations which were so much in evidence prior to 1923. The total value of textile production has been estimated as follows: cotton goods, $237,000,000; linen goods, $29,000,000; woolen manufactures, $62,000,000. Considerable advance was also made in wool growing, and the production of coal, iron ore, petroleum, pig iron, manganese ore, paper, chemicals etc. increased by percentages ranging from 10% (coal) to about 200% (manganese ore). A conservative estimate of the total value of production places the figure at slightly more than $550,000,000. In 1923 this figure was approximately $375,000,000. By way of comparison it might be stated that the figure for 1924 is about 30% of the total value of production in 1913, and the figure for 1923, 21%.

As regards **foreign trade**, available statistics indicate that the shipments of grain and foodstuffs from the interior of Russia to the seaports during the year ending July 31, 1924, amounted to 3,940,000 tons. The value of these exports has been placed at $123,500,000. The total foreign trade for the period January-September, 1924, expressed in gold rubles, was approximately as follows: imports, 162,000,000; exports, 232,000,000. The corresponding figures for 1923 were: imports, 98,439,000; exports, 105,309,000.[1]

A **reform of the monetary system** in Soviet Russia had become imperative by the close of 1923 because of the rapid depreciation of the Soviet paper currency. The reform was inaugurated in February 1924, when a decree was issued discontinuing all further issues of paper money by the Treasury and the gold-secured *chervonetz* bank note was made the standard of currency.[2] The introduction of the

[1] See *U. S. Commerce Reports,* December 15, 1924, pp. 635-637.

[2] It should be noted that in the earlier quest for a stable unit of exchange—

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chervonetz, equal in value to ten gold rubles, as the standard circulating medium had been contemplated for some time, but the change was hastened by the rapid depreciation of the paper ruble and the concomitant chaotic financial and market conditions. By the closing months of 1923 the index numbers had become valueless, and "by February, 1924," according to a statement by Leo Kamenev, Chairman of the Council of Labor and Defence, "[Russia] had . . . become so tangled up in index numbers, methods of computing wages . . . etc., that it was utterly impossible to [postpone currency reform], in the face of the catastrophic situation . . ." It was high time, therefore, to attempt substantial financial reorganization, and the result was the decree mentioned. Two weeks later the system of reckoning in index numbers was abolished. On March 10, 1924, it was announced that Soviet paper money would be redeemed for *chervonetz* notes at the rate of 500,000 rubles of 1923 issue (one ruble of 1923 issue was equal to 1,000,000 original Soviet rubles!) for one *chervonetz*. The fiat money was to be withdrawn from circulation as legal tender on May 10, but would be accepted by the Treasury for redemption till June 30. The *chervonetz* notes, copper and silver coins, and Treasury bills in denominations of one, three and five rubles (the Treasury bills are not secured by gold reserve; they are exchangeable for *chervonetz* notes at any of the state-controlled banks) were to fill the void thus created in the circulating medium of the country.

The **budget** of the fiscal year 1922-1923 was balanced at a deficit, 53,000,000 *chervonetz* rubles of which were carried over to the fiscal year 1923-1924. The budget for the latter year allowed for expenditures totaling 1,708,000,000 rubles. The estimated revenues were 1,278,000,000 rubles, and the deficit, 432,000,000 rubles. While no reliable information is available as to how this budget was balanced, a brief consideration of some of the Soviet Government's sources of revenue, new departures in budget policy etc. will suggest the degree of its probable success. The budget shows an estimated increase of ordinary revenues of 450,000,000 rubles. About one-half of this increase is accounted for by estimated revenues from the transport service, but it seems unlikely that the proceeds from this source will justify this anticipation. The monthly receipts for the first quarter of the fiscal year were considerably below the estimates, and at the close of the first nine months only 65% of the necessary minimum per

especially since the inauguration of the "New Economic Policy" in 1921—the practice had become universal in Russia of substituting for "gold rubles" ("pre-war rubles") index numbers which expressed contemporary prices in Soviet currency relative to prices in 1913. Wages, contracts etc. were based on index rubles calculated every month. For a brief description of these indexes see *U. S. Commerce Reports*, January 1, 1923, p. 57; *ibid.*, October 29, 1923, p. 320.

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month had been obtained. Similarly, it has been reported, the actual receipts from forest exploitation, state industries, trading organizations and banks, for the first half of the year, amounted only to 12% of the estimates.

Several attempts have been made to relieve the situation by transfering whole series of expenditures, formerly included in the Soviet budget, to the budgets of local authorities. Land rents have been reorganized, and the income tax has been reconstructed.[1] The Soviet Treasury has further relinquished the direct financing of several state-controlled industries. The petroleum industry, for instance, has been removed from the state budget and made wholly dependent on bank credits. Thus the budget has been considerably curtailed, but the relief obtained has eased the situation relatively little, and inflation or loans seem to offer the only solution for the problem. Inflation is obviously dangerous and impossible if the stabilized currency is to be retained. Domestic loans of sufficient magnitude do not seem to be an immediate possibility. Consequently the need for foreign loans has been emphasized, and for this reason attempts to obtain loans abroad have played a conspicuous part in the foreign policies of the Soviet Government.

Undoubtedly the most significant event in the internal political development in Soviet Russia during the past year and a half was the **death of Lenin** on February 21, 1924.[2] The passing of Lenin from the stage of Russian politics brought about a change in political leadership in the country which made the Central Committee of the Communist party the real leader of Russia. The actual direction of affairs fell into the hands of the triumvirate, Stalin, Kamenev and Zinoviev, and for this reason the appointment of Rykov as premier to succeed Lenin made him the head of the Soviet Government in name only.

The **internal political situation** has been strongly colored by the dissensions which appeared within the Communist party even before Lenin's death. Differences of opinion within the party were in evidence as early as the fall of 1923, especially as the result of **Trotsky's articles** on the "New Course." Particularly the last articles in the series, which appeared in the *Pravda* on December 29, 1923, contained a serious indictment of the policies of such conspicuous Communist leaders as Kamenev, Stalin and Zinoviev. In his book "*1917*" which appeared more recently, Trotsky made a study of the Russian revolu-

[1] The text of the new income tax law was published in *Russian Review*, January 15, 1925, pp. 22-24.

[2] Varied estimates of Lenin and his significance to Russia are given in the articles by P. Sorokin, H. Bernstein, Paxton Hibben, Leon Trotsky, Karl Radek and T. Edmokinov which appeared in *Current History*, March 1924, pp. 1013-1032.

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tion immediately preceding the Bolshevist uprising on November 7, 1917, and criticized these same men, who had attempted in 1917 to prevent the Bolsheviks from seizing power. Further, Trotsky was unable to sanction in full the "New Economic Policy," believing that the bourgeois features of this policy would ultimately bring about a defeat of the proletarian revolution at the hands of a non-proletarian, petty bourgeois, commercial and agricultural development. Trotsky's individualism seems to have made it difficult for him to submit to the control of the triumvirate as he had submitted to the leadership of Lenin. Finally, he frequently criticized the Communist party organization as bureaucratic and lacking in flexibility. These seem to be some of the basic elements in this struggle for leadership within the Communist party.

At the meeting of the Moscow Communist party conference, held in January, 1924, resolutions were passed which upheld the Central Committee and condemned the Opposition, of which Trotsky was obviously the leader. At the **Thirteenth Communist Party Congress**, held in the last week of May, there were attempts to make effectual the unity of the party, pleas for which had been much in evidence since the death of Lenin. At the conference, Trotsky (who had recently returned from an enforced vacation at one of the Black Sea winter resorts) disclaimed any intention of working against the dictates of the party, but did not specifically recant his earlier position. A temporary reconciliation was effected, and Trotsky assumed his old position in the Central Committee and the Political Bureau. However, the existing incompatibilities were thrown into sharp relief by the developments during the following months, especially as the result of the position Trotsky took in his book, "*1917*." Kamenev handed in an adverse report on the matter at the meeting of the Moscow Communist party on November 26; Stalin attacked him in the *Pravda* on December 29, and Sokolnikov did likewise in the same paper on December 31. A few days later it was announced that Trotsky had been compelled to withdraw from the political arena, partly because of ill health, but more particularly because he has had to accept defeat at the hands of his political opponents.

The Communist party has made no appreciable headway among the masses of the peasantry. Kalinin, President of the Soviet Union, pointed out last June that the party had not been successful in combating the anti-communist tendencies of the peasantry. He stated that the growing indifference to communism among the peasants necessitated the discovery of some means for overcoming the difficulty and suggested the organization of producers' cooperatives which would help improve the economic condition of the peasants, and through which the party could work for the attainment of its objectives.

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The period under review witnessed the **recognition of the Soviet Government** by several states. Following prolonged, intermittent negotiations with **Poland** an exchange of documents took place on December 14, 1923 between the representatives of the Polish and the Russian Governments. Poland agreed to recognize the Union of Socialist Soviet Republics and to enter into normal diplomatic relations with it. The appearance of the Labor Government in **England** in January 1924 revived the Soviet hopes of English recognition. This was accorded on February 2, 1924 and at the Anglo-Russian Conference which met in London on April 14, the Russian delegates successfully insisted upon two main objectives: a British guarantee of a Russian loan and the privilege of diplomatic immunity for Russian trade delegations, and two treaties were signed on August 8. The opponents of the agreement in England subjected it to a violent attack, while an official communication from Moscow stated that the successful conclusion of the negotiations "constitutes one of the principal events in the foreign policy of the Soviets, and consequently in the history of international relations of our times." The subsequent defeat of the Labor Government and the refusal of the Baldwin Ministry to present for confirmation in Parliament, or for ratification by the King, the agreement concluded by its predecessor have rendered impossible the realization of the hopes held by the Soviet Government as regards loans in England. For the time being at least the Anglo-Russian treaty is dead and though recognition has not been withdrawn, relations between the two countries are perhaps no less sterile than they were before MacDonald accorded "unqualified recognition" to the Soviet Union. Great Britain having recognized Russia, **Italy** did likewise on February 7, 1924. The agreement signed at Rome carried with it *de jure* recognition, and a commercial treaty contained clauses giving privileges to the Italian commercial flag in the Black Sea, with reciprocal privileges for the Russian flag. On February 25 the **Austrian** Government announced its *de jure* recognition, and a fortnight later it was reported that **Norway** had unconditionally recognized the Soviet. **Hungary's** recognition was granted on September 15. **France** recognized the Soviet on October 28. The character of the recognition is suggested by the French communication to Moscow which expressly reserved "the rights of French citizens acquired under obligations contracted by Russia or its dependencies under former régimes . . . " **Sweden's** recognition, contemplated for some months, has also become an actuality. The credentials of the Soviet representative were presented to the King on November 28, 1924.

In the Far East, the Soviet established diplomatic and commercial relations with **China.** The two states signed a treaty on May 31, 1924, by which Chinese recognition was granted. This agreement is

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significant not only because it places the Soviet on a firmer footing in world problems relating to the Far East, but also because it marks the beginning of a new era in Chinese foreign relations. The Russo-Chinese treaty placed China for the first time on terms of absolute equality and reciprocity with a Western state.

SPAIN.—A Parliamentary inquiry into the political as distinct from the military responsibility for military reverses in the Spanish Zone of Morocco led the Government, which desired to avoid judicial prosecutions, to adjourn Parliament on July 24, to Oct. 1, 1923. A new defeat in Morocco, followed by separatist and labor risings in Catalonia, afforded the occasion for a **military coup d'état**. On Sept. 13, Captain General Ferdinando Primo de Rivera took possession of Barcelona, and the revolt, planned and executed almost exclusively by army officers, spread rapidly through various districts and provinces. The Alhucemas Cabinet, hopelessly divided, resigned and King Alphonso invited General de Rivera to take charge of the Government. On his arrival at Madrid, Sept. 15, Rivera was appointed President of the Military Directorate, whose membership embraced eight other generals and one admiral. Parliament was dissolved by royal decree and the senior permanent officials were placed in charge of the various departments of state; trial by jury was suspended throughout the country; new and more rigid censorship provisions were put into effect. On Jan. 12, a decree ordered the dissolution of all Provincial Legislatures except those in the Basque provinces and Navarre and authorized the Provincial Governors to appoint temporary legislatures. Criticism of the government was vigorously suppressed by frequent recourse to exile and other modes of punishment, the most conspicuous instance being the exiling of Professor Unamuno of the University of Salamanca for propagating "subversive theories." The much heralded bureaucratic and bugetary reforms failed to materialize in any striking fashion. Nevertheless the budget deficit was cut from 920,000,000 pesetas in 1922-1923 to 667,000,000 pesetas for 1923-1924. Important commercial agreements were negotiated with Italy, the United States and Germany.

The conduct of the war in **Spanish Morocco** had been the chief pretext for establishing the Directorate, yet never had military operations been so fatally ineffective as they were during the régime of the generals. The famous bandit Raisuli declared fealty to Spain in the autumn of 1923 (and was later captured by the Riff leader). But the conduct of the war languished for months. During September, a "strategic retreat," involving the abandonment of nearly two hundred posts, was executed on a wide front. The occupied portion of the western Spanish zone soon coincided with that of 1917 and thus the "entire results of seven years of strenuous warfare and vast expenditure" were abandoned. By the end of 1924, General de Rivera,

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in personal charge of operations in Morocco, had brought back the shattered remnants of his army to the northwest corner of Africa, comprising in area but one-tenth of the Spanish zone, and proposed to maintain a line of posts between Tetuan and Tangiers.

Meanwhile the **Catalan separatists** had been becoming increasingly restive, and their attitude and activities constituted a standing menace to the further perpetuation of the Military Directorate. The Catalonians resented governmental discrimination against their language, and the heavy taxation which industrialized Catalonia had to bear in behalf of the agricultural regions of Spain. The League of Nations was requested to intervene and settle the differences between Catalonia and the central government of Spain, but the League was powerless to interfere.

In 1924 steps were taken toward demilitarizing the dictatorship. Civilians were appointed as governors in a number of provinces. On July 4, by a royal decree, the dictatorial powers of de Rivera were somewhat modified and new portfolios were assigned to members of the Directorate, each being responsible to the crown.

SWEDEN.—Finding it impossible to obtain the consent of both houses of the Riksdag for his program of increased armaments, the Conservative Premier Ernst Trygger appealed to the electorate in Sept. 1924, but without success. In the new Second Chamber there were 64 Conservatives (gain of 2), 33 Liberals (loss of 8), 24 representatives of the Farmers' Union (gain of 3); but Premier Trygger could not weld these groups into a majority coalition against the 104 Social Democrats (gain of 5) and 5 Communists (loss of 2). On Trygger's resignation in October, ex-Premier Hjalmar Branting, who had led the fight against militarism, formed a Social Democratic cabinet and announced his intention of reducing the army estimates.

SWITZERLAND.—Two large loans were floated for Switzerland by New York banking syndicates, one for $20,000,000 on August 1, 1923, maturing in 1926 and the other for $30,000,000 in the spring of 1924 due on April 1, 1946. Internal loans were also offered to finance railway and hydro-electric projects. A proposal that working hours should be increased from 48 to 54 per week was defeated in a popular referendum on February 17, 1924, by a majority of 116,100 votes. Ernest Chuard, long a professor at the University of Lausanne and Vice-President of the Confederation during 1923, was elected President for the year 1924. In the realm of foreign affairs, a debt settlement with Rumania, an arbitration treaty with Italy, and considerable friction with France over the Savoy trade zone brought Switzerland intermittently into the limelight of international publicity.

YUGOSLAVIA.—The Radical Government of the aged Premier Pashitch continued its policy of maintenance of the monarchy and more complete centralization, taking a strong hand against the separ-

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atist activities of the Croatians, Montenegrins and Macedonians. During February 1924, ninety-six Croatian representatives decided to take their seats in the Skupshtina (National Parliament) after four years of abstention, with a view to joining the Opposition of Democrats and others in ousting the Pashitch Ministry, procuring new elections, defeating the Italo-Yugoslav Fiume Treaty (*cf.* p. 24), and eventually establishing Croatian independence or at least republican autonomy. After recurrent cabinet crises, Premier Pashitch eventually gave way to the Democratic leader, Davidovitch, who assumed office July 24, 1924. His hope of enjoying the support of the Croatian Peasants party, however, was disappointed, as the leader of the party, M. Raditch, who had been in touch with the Communist Third International, insisted on drastic reduction of the army and refused to renounce Croatian republican aspirations. The veteran Pashitch returned to power on November 5, dissolved the Skupshtina, decreed the dissolution of Raditch's Croatian Peasants party, confiscated its funds, and ordered the arrest of its leaders.

VI. PEACE AND RECONSTRUCTION IN THE NEAR EAST

As the years 1919-1923 were years of disturbance and war in the Near East, so the eighteen months from July 1, 1923, to December 31, 1924, have been a period of readjustment, stabilization, and reconstruction. The **Treaty of Lausanne,** of July 24, 1923, terminating the Greco-Turkish War and re-establishing normal relationships between Turkey and the Allies, became operative August 6, 1924, by reason of its ratification by Turkey, Greece, Rumania, Italy, Japan, Great Britain and France. A **Turco-American Treaty** of Amity and Commerce, now awaiting ratification by the Senate of the United States and the Grand National Assembly of Turkey, was signed at Lausanne, August 6, 1923.[1] A treaty between Great Britain and the Arab Kingdom of **Iraq,** looking toward a regularization of the mandate and a consolidation of the British position in Mesopotamia, was ratified by the Iraq Constituent Assembly on June 11, 1924. A **treaty between the United States and the French Republic,** dated April 4, 1924 and ratified July 14, 1924, assured to American nationals in the mandate territory of Syria and the Lebanon "all the rights and privileges assured to States members of the League of Nations under the terms of the mandate" and in particular the right "freely to establish and

[1] The text of the Turco-American Treaty of Lausanne has not yet been published. An official summary of the treaty is reprinted in a useful pamphlet, *The Turco-American Treaty of Amity and Commerce* (New York, The Foreign Policy Association, 1924).

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maintain educational, philanthropic, and religious institutions."[1] A similar **treaty between the United States and Great Britain concerning American rights in Palestine,** was signed December 3, 1924, but no agreement has as yet been reached concerning Mesopotamia.[2] In October, 1924, in accordance with Article 3 of the Treaty of Lausanne, Great Britain and Turkey submitted to the Council of the League of Nations their dispute regarding the **Turco-Iraq boundary** in the vilayet of Mosul; thereupon a provisional boundary was laid down which both Powers agreed to hold inviolable until such time as the League's commission of investigation, presided over by Count Paul Teleki of Hungary, should submit its report. Thus by international negotiation constructive efforts were being made to re-establish the peace of the Near East which was broken by the Great War, postponed by the Congress of Paris, disturbed by the Peace of Sèvres, and almost irreparably destroyed by the Greco-Turkish War.

The trend toward a settlement of international difficulties seems to have affected **domestic politics,** for stable governments exist throughout the Near East for the first time since the Mudros Armistice of 1918. After years of turbulence, during which kings were deposed and ministers executed for treason, **Greece** by a plebiscite of April, 1924, adopted a republican form of government and settled down to a peaceful and orderly solution of her difficult political and economic problems (*cf.* p. 156). The British ultimatum to **Egypt,** which resulted to all intents and purposes in a reoccupation of the Nile Valley, undoubtedly has stabilized the chaotic conditions produced by post-bellum nationalism and economic disturbances.[3] On October 29, 1923, **Turkey** was formally declared to be a republic; on March 3, 1924, the Caliph Abdul Medjid, along with all other remaining princes of the House of Osman, was ordered to follow the former Sultan into exile; on April 20 following, the Grand National Assembly at Angora adopted a republican constitution based upon a charter of personal rights and upon the principles of popular sovereignty, universal manhood suffrage, and ministerial responsibility to a unicameral

[1] The latter provision assures the continued and unimpaired operation of the thriving American University at Beirut, which has played such a prominent part in the education of the youth of Syria and other parts of the Near East. The text of the treaty is to be found in the *Treaty Series,* No. 695 (Washington 1924).

[2] Chiefly because of the Anglo-American controversy concerning the Mosul oilfields and their eventual disposition. See "The Turkish Petroleum Company —A Study in Oleaginous Diplomacy", in the POLITICAL SCIENCE QUARTERLY, vol. XXXIX, pp. 265-279.

[3] It is not contended, of course, that the British course of action is to be justified on this ground.

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legislative assembly.[1] In Syria, Palestine, and Iraq, the position of the mandatory Powers appears to be stronger than at any other time since the War. The only exceptions to the general tendency toward political stabilization are the **Hedjaz**, where a revolt of the Wahabis upset the venerable King Hussein; and **Persia**, where international oil controversies, a premature republican movement, and the murder of the American consul-general at Teheran (July, 1924) have produced a serious situation awaiting adjustment.

The outstanding economic development in the Near East during the year 1923-1924 was the **interchange of populations between Greece and Turkey**. By a convention of January 30, 1923, confirmed by Article 142 of the Treaty of Lausanne, it was agreed by Greece and Turkey that there should be a reciprocal and compulsory migration of Turkish nationals of the Greek Orthodox religion established in Turkish territory and of Greek nationals of the Moslem religion established in Greek territory. In order to avoid irreparable economic dislocations, Moslems in Western Thrace and Greek Christians who resided in Constantinople before October, 1918, were by mutual consent excluded from the exchange; otherwise there were to be no exceptions. Property of the involuntary emigrants was to be liquidated and sums due as the result of such liquidation were to be considered "a government debt from the country where the liquidation takes place to the government of the country to which the emigrant belongs." The emigrant was entitled to receive in his new homeland property of a value equal to and of the same nature as that which he had left behind. The interchange of emigrants and the liquidation of their property was placed under the control of a Mixed Commission, consisting of four Greeks, four Turks, and three members "chosen by the Council of the League of Nations from among nationals of Powers which did not take part in the war of 1914-1918."[2] Beginning in January, 1924, Moslems from Macedonia and the Greek islands were evacuated at the rate of ten thousand a week, so that by the end of October approximately four hundred thousand had arrived in Anatolia to be settled in homes by the Turkish Government. Beginning in April, about six thousand Christian emigrants were arriving in Salonica weekly, and by the end of the year more than one hundred thousand Greeks had been added to the million already awaiting settlement by the Refugee Settlement Commission.

No such vast movement of populations could have been accom-

[1] The text of the new Turkish constitution, with an historical and critical introduction, will be found in the POLITICAL SCIENCE QUARTERLY for March, 1925.

[2] The text of the "Convention Concerning the Exchange of Greek and Turkish Populations" is to be found in *Parliamentary Papers*, No. Cmd. 1929 (London, 1923).

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plished without considerable suffering and a certain amount of disease. Pneumonia and malaria took a heavy toll at both Salonica and Smyrna. In spite of the heroic manner in which the Greek and Turkish peoples met the great upheaval, the gravity of the problem overwhelmed the two countries. Greece was the worse off because of the greater magnitude of her problem, the better off because of the help which she received from the outside world. The American Red Cross and the Near East Relief did yeoman service in relieving the suffering of women and children. The Greek Refugee Settlement Commission, of the League of Nations, presided over by two Americans, first Mr. Henry Morgenthau and then Mr. Charles P. Howland, undertook the task of providing homes and a livelihood for the immigrants to Greece, interested foreign capital in economic rehabilitation of the country, and distributed vast quantities of seed, live stock, agricultural machinery, building materials and other essentials of agricultural prosperity. Turkey, going it alone, has not yet been able to give adequate care to her new-found citizens.[1]

One of the most significant social and political events in the Near East since 1453 was the **secularization of Turkey,** accomplished during the spring and summer of 1924. On March 2, Mustapha Kemal Pasha, President of the Republic, outlined the policy of the government as follows: 1. "The judicial system must be liberated of all pernicious influences, and a better comprehension of justice must be cultivated" —meaning the abolition of the Sheriat (or Holy Law of the Moslems), the abolition of the difference between civil and religious jurisdiction, and the subordination of all courts whether civil or religious to the ministry of justice; 2. "Unity of education and instruction must be realized"—meaning the prohibition of all religious instruction in the schools and the superintendence of all schools by the ministry of education; 3. "Religion in the State must be entirely separated from politics"—meaning the exclusion from the cabinet of the Sheikh-ul-Islam and the abolition of the Caliphate. No time was lost in putting this revolutionary program into effect. On March 3, anniversary of the ascension of the Prophet, the Caliph Abdul Medjid was expelled from Turkey. On March 7 the Sheikh-ul-Islam was dropped from the cabinet; the administration of the Evkaf (endowment of the Pious Foundations) was taken over by the Government; all mention of the caliph was omitted from the state prayers (Selamlik) and instead the favor of God was implored for the republic and for Islam. Shortly thereafter Moslem schools, chiefly those connected with mosques, were closed in large numbers for failure to secularize their curricula,

[1] A detailed account of the exchange of populations in its various aspects is to be found in "The Trek of Near Eastern Minorities", an article in *Asia,* vol. XXV (1925), pp. 49-70.

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and during April more than fifty French and Italian schools, with more than sixteen thousand pupils, were closed because of their refusal to remove religious emblems from the classrooms.[1] With an iron hand the Turkish Government went about the business of eliminating clerical influences from the republican government, recalling the bitter struggle of the Third French Republic against monarchism and clericalism. Strange to say, however, the Angora Government did not disturb the traditional religious privileges of the Christian and Jewish communities, although they did protest at the election in December, 1923, of a Greek Orthodox Patriarch who was personally liable to deportation under the terms of the Interchange of Populations Convention.[2] The removal of the religious privileges of Moslems, the abolition of the Capitulations, and the announced determination of the Turkish Government to make all Turkish citizens equal before the law, will render it increasingly difficult to justify the continuance of the privileged position of Christian minorities which the latter have enjoyed since the days of Mohammed II.[3]

The **Treaty of Lausanne** (*cf.* last RECORD, pp. 13, 15, 27) is a kind of charter of the new era in the Near East and, as such, deserves careful consideration. It was signed July 24, 1923, after a conference which had lasted, with a single short interruption, since the preceding November. It was an antithesis of the Treaty of Sèvres of 1920, for it relieved Turkey of the payment of reparations, it abandoned all Allied control over Turkish economic and financial affairs, it abolished the Capitulations "in every respect,"[4] it repudiated all concessions granted foreigners subsequent to October 29, 1914, and agreed that all concessions granted prior to that date should be brought into harmony with the new economic conditions. In short, the Treaty recognized Turkey as a national state, sovereign in fact as well as in name.[5]

[1] In the autumn of 1924 a compromise was arrived at which permitted the French and Italian schools to re-open. The American schools, being Protestant, were much less disturbed by the regulations concerning religious emblems.

[2] During January, 1925, a serious crisis arose over the deportation of the Patriarch, the Most Reverend Constantinos, from Constantinople to Salonica.

[3] Concerning the abolition of the caliphate in its relations to the rest of the Moslem world see W. L. Westermann, "The Abolition of the Ottoman Phantom Caliphate", in *Asia*, May, 1924. For secularization and other social and political policies of the Republic of Turkey consult E. G. Mears, *Modern Turkey* (New York, 1924), a useful work of reference.

[4] See Philip Marshall Brown, "The Capitulations", in *Foreign Affairs* (New York), June, 1923.

[5] For a most illuminating discussion of the international significance of the Treaty, with some reference to American interests, see Edgar Turlington, "The Settlement of Lausanne", in the *American Journal of International Law*, vol. XVIII (1924), pp. 696-706.

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Nevertheless, by common consent of the Turks and the Allies, no attempt was made to revive the hated Ottoman Empire. All former Ottoman rights in Egypt and Cyprus were surrendered; Syria, Palestine, Trans-Jordan, the Hedjaz and Iraq were recognized as entirely outside Turkish jurisdiction of any sort, except that the Mosul boundary question was left for subsequent negotiation by Great Britain and Turkey; Greek sovereignty in certain of the Aegean Islands was confirmed, and Italy was given full sovereignty over the Dodecanesos. The most important territorial gains of Turkey were in Cilicia and northern Syria, where the boundary of the Angora Agreement of October 20, 1921 (with France) was confirmed; in the Straits, which were returned to Turkish sovereignty subject to demilitarization; in Thrace, where the approximate boundary of 1913 was restored. A liberal Convention of the Straits was appended to the Treaty permitting unrestricted navigation, in time of war as in time of peace, to merchant vessels, yachts, fishing craft and non-military aircraft and to vessels of war with few exceptions. Minorities in Turkey are placed under the guarantee of the League of Nations in the same manner as was provided in previous treaties between the Allies and their former enemies and between the Allies and certain of their former associates. The economic and financial provisions of the treaty cover a wide range of complicated and technical subjects; they consume more than one-half of the total text and constitute more than 60 of the total of 143 articles. Important subsidiary documents deal with the administration of justice in Turkey under foreign experts, the continuance of educational, religious and philanthropic institutions previously established by foreigners, and other similar subjects of importance.[1]

Affairs in **Egypt** have been in a turbulent state since the spring of 1923. The elections of September, 1923, resulted in an overwhelming victory for Zaghlul Pasha and the Wafd, or Nationalist party. The chief concern of Zaghlul as prime minister seemed to be the complete severance of the remaining ties which bound Egypt to Great Britain. It will be recalled that the British declaration of February, 1922, granting independence to Egypt, had specified that certain matters were reserved to the discretion of the British Government until such time as it might be possible "by free discussion and friendly accom-

[1] The text of the Treaty of Lausanne and its accompanying documents is available in *Parliamentary Papers,* Cmd. 1929, Treaty Series No. 16 of 1923; in the *American Journal of International Law,* supplements to the issues of January and April, 1924; and in *The Treaties of Peace, 1919-1923,* vol. II, a most useful publication by the Carnegie Endowment for International Peace (1924), illustrated with scholarly and graphic maps by Colonel Laurence Martin, of the Library of Congress.

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modation on both sides to conclude agreements in regard thereto." [1] These restrictions upon Egyptian sovereignty weighed heavily upon the hearts of Zaghlul Pasha and his Nationalist associates, and when Zaghlul met the British prime minister, Mr. Ramsay MacDonald, in September, 1924, the former is said to have demanded categorically the withdrawal of all British advisers and British troops from Egypt and the Sudan; the termination of all remaining British control over the Egyptian Government, including the Egyptian ministry of foreign affairs; the abandonment of Britain's claim to be the protector of all foreigners and of minorities in Egypt; and the submission of the Suez Canal to some sort of international protection and control. No such demands could be accepted by a British prime minister, and Zaghlul Pasha returned to Cairo in October, empty-handed but in the rôle of a national hero. In the course of the enthusiastic welcome accorded the Egyptian prime minister, students and railway workers joined in a demonstration which resulted in the loss of life and property. Nationalist agitation remained at fever heat for some time afterward.

On November 19, 1924, General Sir Lee Stack, Sirdar of the Egyptian Army and Governor-General of the Sudan, was murdered. The British press demanded action of the most drastic sort, and the new Tory Cabinet, fresh from a sweeping victory at the polls, was determined that the time had come to take strong measures to revive drooping British prestige in the Near East. Accordingly, on November 22, Field Marshal Lord Allenby presented a far-reaching ultimatum to the Government of Zaghlul Pasha. The ultimatum, said to have carried with it a twenty-four-hour time limit, demanded unconditional acceptance of the following demands: an ample apology for the crime; an inquiry into the authorship of the crime and salutary punishment of the criminals; the vigorous suppression of all popular political demonstrations; the payment of a fine of five hundred thousand pounds; the withdrawal from the Sudan within twenty-four hours of all Egyptian officers and all purely Egyptian units of the army; notification to the competent department "that the Sudan Government will increase the area to be irrigated at Gezira from 300,000 feddans (approximately 300,000 acres) to an unlimited figure as the need may arise," [2] withdrawal of all opposition to the wishes of the British Government concerning the protection of foreign interests in Egypt. A supplementary note set forth a demand for

[1] The four reservations concerned the security of the communications of the Empire; the defense of Egypt against foreign aggression; the protection of foreign interests and of minorities in Egypt; and the Sudan.

[2] Concerning the economic importance to Egypt and to Great Britain of the aforementioned irrigation projects in the Sudan see Pierre Crabitès, "Egypt, the Sudan, and the Nile", in *Foreign Affairs* (New York), December 15, 1924.

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the retention of British technical advisers, military and civil, in certain of the Egyptian governmental departments.

The Government of Zaghlul Pasha agreed to apologize, to punish the murderers, to pay the indemnity, and to suppress further political demonstrations. On November 24, immediately after receipt of the five hundred thousand pounds demanded as a fine, the British military authorities seized the customs house at Alexandria, saying that their demands had not been fully complied with; thereupon the ministry of Zaghlul Pasha resigned and was succeeded by one headed by Ziwar Pasha, thoroughly tractable to British wishes. To avoid embarrassing discussion of the situation, the Egyptian Parliament was prorogued. Before breaking up, however, the Parliament addressed an eloquent appeal to the League of Nations, asking for the intervention of the League on behalf of Egyptian independence. The Secretariat of the League decided not to communicate the Egyptian appeal to the Council and the member States, on the ground that the League could accept communications only from Governments (*i. e.*, executives), not from representative chambers even if properly elected. Back of this decision was the announced intention of the British Government to regard the Egyptian crisis as a "domestic matter" outside the jurisdiction of the League of Nations. Even those Englishmen, like Lord Robert Cecil, who had been most eloquent in defense of the League's rights in connection with the Corfu incident, seemed to endorse this view. Deprived of the opportunity of a hearing before the League, Egypt's case remains unheard.[1] In the meantime the puppet government of Ziwar Pasha pursues its way under British guidance.[2]

VII. THE FAR EAST

CHINA.—The kaleidoscopic mutations in Chinese politics during the years 1923 and 1924 were due largely to the tuchunate. Yuan Shi-kai had appointed in each province a military governor, equal in rank but superior in actual power, to the civil governor. After Yuan's death, the weakness of the Peking Government and the strife between north and south enabled the military governors, now generally styled tuchuns, to become insubordinate. Within his province the tuchun is supreme commander; he uses the provincial revenues for his army, sometimes for his own enrichment, for local administration; in many cases he defies the central government, refuses to send revenues to

[1] It is significant to note that whereas the European and American press published the full text of each of the British communications to Egypt, the replies of the Egyptians were not released for publication. Therefore, the official documents have told only half the story.

[2] *Cf.* articles on Albania, Bulgaria, Greece, Rumania and Yugoslavia.

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Peking, and even makes war on his neighbor-tuchuns as if he were an independent monarch. The central government has inadequate funds, no strong federal army to maintain order, and little more than a shadow of authority. The tuchunate means, furthermore, that there is incessant fighting among ambitious rivals, and that in the midst of civil war banditry and disorder flourish (*cf.* p. 27). President Li Yuan-hung was compelled to resign in June, 1923, to make way for the election of Tsao Kun in October.[1] The election was notoriously corrupt; members of parliament had been systematically bribed to vote for the aspiring Tsao. With Tsao as president, and Wu Pei-fu as the military power behind the presidential chair, the Chihli party of northern military leaders was now dominant. Through tuchuns who acted as his lieutenants, Wu controlled many of the provinces north of the Yangtse valley, namely Chihli, Shantung, Honan, Shansi, Anhwei, and Kiangsu; he also extended his power southward into Hunan, Hupeh, Kiangsi and Szechuan in the Yangtse basin, and Fukien, on the southern coast. He was opposed by Chang Tso-lin in Manchuria; by Dr. Sun Yat-sen, head of the Canton or Southern liberal faction, which controlled the southern tier of provinces (Kwangtung, Kwangsi, Kweichow, and Yunnan); by the humbled Tuan Chi-jui, who was quietly intriguing with Chang and Sun to overthrow Wu; and by Lu Yung-hsiang, tuchun of Chekiang, a former adherent of Tuan's, who claimed to aim at the substitution of constitutional government for the tuchunate. One of Wu's lieutenants, namely Marshal Chi Hsieh-yuan, tuchun of Kiangsu, was given the task of ousting Lu, and succeeded in accomplishing this mission in Oct. 1923. But invincible as Wu now seemed, disaster awaited him. His rival Chang Tso-lin of Manchuria declared war on Peking. And when Wu sent forth his armies to give battle to Chang,[2] one of Wu's

[1] A "permanent" constitution was promulgated on October 10, 1923, but the prevalence of civil war made it practically a dead letter, so far as political realities were concerned, and apparently it has been cast aside by Tuan and Chang, who have replaced Tsao and Wu. The terms of this constitution were discussed in some detail by Mr. H. S. Quigley, in an article entitled "Some Aspects of China's Constitutional Problem," in the POLITICAL SCIENCE QUARTERLY, June 1924, pp. 189-200, "The larger part of this document", Mr. Quigley asserts, "was worked out in the Temple of Heaven during the summer of 1913 and was revised in 1917, the only new chapters being those that deal with the division of powers and with local government." Among the notable features of the constitution were: a bicameral national parliament; a president elected by it; a premier appointed by the president subject to the approval of the House of Representatives; cabinet responsibility to the House; provincial autonomy. *Cf.* text in *Current History,* June 1924, p. 660.

[2] Chang Tso-lin, before giving battle, had established an independent Man-

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lieutenants, the "Christian General" Feng Yu-siang, suddenly returned to Peking with a brigade of soldiers, deposed President Tsao Kun, proclaimed an end to the civil war, installed a provisional cabinet, and had Wu relieved of his command.[1] In other words, the Chihli party led by Wu and Tsao Kun was now overthrown by a combination of its rivals. Tuan, emerging from his active retirement, now returned to Peking with the support of Chang Tso-lin, to assume the office of "chief executive" in a provisional government, Nov. 24, 1924. The provisional government announced plans for a national reorganization conference (of military leaders), to be followed by a citizens' conference (constituent assembly?) to frame a new form of government. Press dispatches did not reveal the precise feature of the proposed reorganization; but Chang and Tuan were supposed to be in favor of provincial autonomy and decentralization, as opposed to Wu's centralizing tendency.

JAPAN.—The death of the premier, Baron Tomosaburo Kato, on Aug. 24, 1923, raised the old question, so familiar to students of Japanese politics, whether the new premier, selected by the Regent with the advice of the Genro or Elder Statesmen,[2] should follow the practice of ignoring the canons of Occidental parliamentary government, by forming a "non-party" ministry. The choice fell on Count Gombei Yamamoto, a retired admiral, a member of the Satsuma clan, who was minister of the navy from 1898 to 1906 and premier in 1913-1914, and had resigned after the airing of unpleasant naval scandals. His cabinet was of the "non-party" type, but it was reported to favor abolition of the property qualification for the franchise.

The new Government's activity, however, had to be concerned almost wholly with relieving the suffering which resulted from a devastating earthquake, in the first days of September. In Tokio and Yokohama, and other places affected by the quake, some 139,000 persons were killed, and several times that number were reported injured or missing. More than half a million houses and buildings were destroyed. The material damage was estimated by the finance minister as at least seven, possibly ten, billion yen. Contributions from churian foreign office, reached an understanding with Russia, and probably made overtures to other Chinese leaders. Chang was also regarded more favorably than Wu in Japan.

[1] At this time, according to press reports, the Manchu emperor, who had retained his title and rank, with a large subvention, since the abolition of monarchy, was divested of his monarchical privileges and of seven-eighths of his income.

[2] The last of the elder group of Elder Statesmen, Prince Matsukata, died on July 2, 1924. His death leaves this small but influential body composed of men who have been added to it since the stirring days of Japan's regeneration.

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other countries helped alleviate the immediate distress, but the injury to trade and revenue, and the problem of reconstruction, put a severe strain on Japanese finances.

As the tragedy of the earthquake faded into the background, the perennial problem of cabinet government came again to the fore. The Yamamoto Cabinet retired on Dec. 29, 1923, ostensibly as a confession of its humiliation at having been unable to prevent an attempt on the Prince Regent's life. Viscount Kiego Kiyoura, the new premier, formed another non-partisan cabinet, and inevitably had trouble with the Diet. His efforts to obtain support led to a split in the largest party,[1] a scene in the Diet, dissolution, in Jan. 1924, and new elections, in May.

The elections, marked by numerous outbreaks of violence, gave the Opposition parties so decisive a majority that the cabinet, unwilling to work longer with a hostile Diet, resigned office, and in June 1924 Viscount Kofuei Kato formed a coalition cabinet. The largest party in the Diet (Kenseikai, with 155 deputies) was represented by the premier and three other ministers; Mr. Takahashi represented the Seiyukai (101 members), and Mr. Inukai, the Kakushin Club (29 members). The new Government, then, disposed of 285 out of 463 votes in the Diet. The Kato Government's chief difficulties, in 1924, were not with the Diet, but with generals and admirals, who opposed projected reductions of the army and navy appropriations.

Mention should be made of a bill passed by the Diet on July 15, 1924, to terminate the embarrassing dual citizenship of Japanese born in and resident in the United States and other foreign countries (*cf.* p. 28 on the Japanese immigration question).[2]

[1] The Constitutionalist or Seiyukai party. The group which seceded in order to support the government called itself the Original Constitutionalist party, or Seiyuhonto.

[2] See also Far Eastern Relations, p. 27, *supra*.

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